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The World's Orators

Comprising

THE GREAT ORATIONS OF THE WORLD'S HISTORY

With

Introductory Essays, Biographical Sketches and Critical Notes

GUY CARLETON LEE, PH.D.

Editor-in-Chief

WITH ILLUSTRATIONS

G. P. PUTNAM'S SONS

NEW YORK AND LONDON

The Knickerbocker Press

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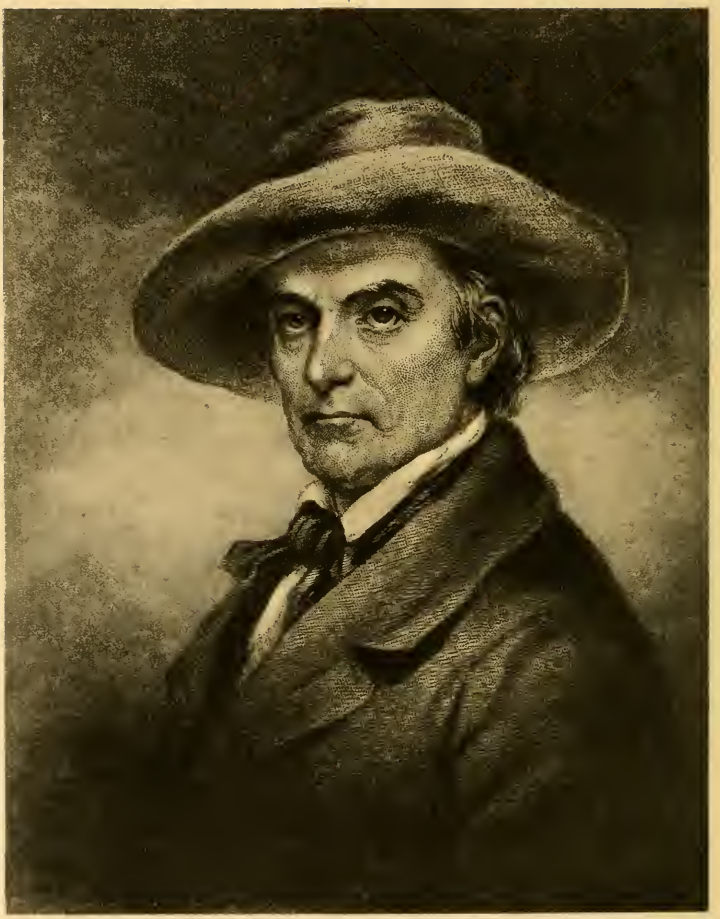

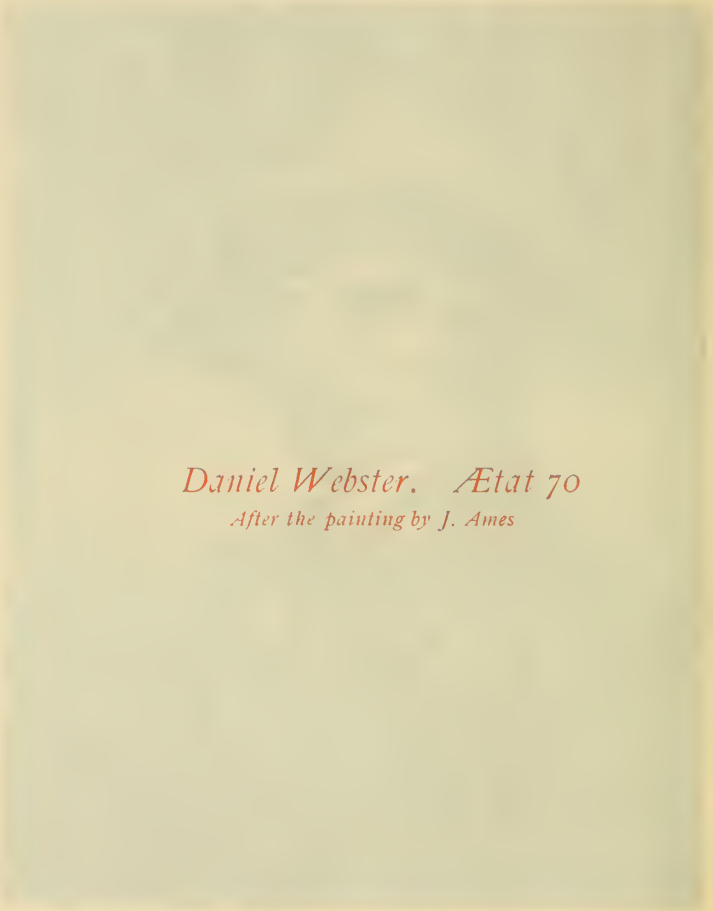

Daniel Webster. Ætat 70

After the painting by J. Ames

Orators of America

Part II.

Edited by

GUY CARLETON LEE, PH.D.

Of Johns Hopkins University

With the Collaboration of

C. ALPHONSO SMITH, PH.D.

Professor in the University of Louisiana

G. P. PUTNAM'S SONS

NEW YORK AND LONDON

The Knickerbocker Press

1901

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The Knickerbocker Press, New York

PREFACE

TO

THE ORATORS OF AMERICA

Part II

THE first half of the nineteenth century is the period in which American senatorial eloquence reached its highest development. The years were crowded with as brilliant displays of oratorical excellence as ever illumined the history of a nation. The very wealth of example embarrasses him who attempts to distinguish any particular speeches as most worthy of preservation.

G. C. L.

HISTORICAL DEPARTMENT,
JOHNS HOPKINS UNIVERSITY,
1900.

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THE WORLD'S ORATORS

THE WORLD'S ORATORS

THE ORATORY OF AMERICA

PART SECOND

THE nineteenth century opened auspiciously for American oratory. It was not that at this especial time there was great performance in the field of speech; rather was there a hiatus in oratory, although there were on the tongues of the people some names which were great and were destined to wax yet greater; but there was evidence of an immediate opportunity for adequate senatorial speech. The times were troubled; beneath the appearance of peace and growing prosperity there was a threat of peril. The adoption of the Constitution had been accomplished only with difficulty and with danger to the integrity of the nation, and the interpretation of its provisions promised little of unanimity of thought. Already

that ominous phrase, so much bandied in later times, that such or such an act was "unconstitutional" began to appear in conversation and in speeches. There was evident call for prophets and sages, and to such call response is ever ready.

The administrations of Adams and Jefferson were marked by much that gave offence to the partisans of the opposing forces, and these were not slow to voice their opinions in parliamentary speech. Already the fateful question of States' Rights began to be agitated. The purchase of Louisiana brought forth debate, not only in Congress, but in the meanest of country stores.

In all this discussion there was school and promise of oratory, but the fulfilment of that promise was not yet. There was occasional scintillation of eloquence, but it was fitful and of narrow dimensions. The Revolutionary War had been harmful to education; the elder race of orators were on the downward road of life, and the succeeding generation, whose opportunities for acquiring training had been scanty, was unprepared to step into the places left vacant. As far as it concerned eloquence, the time was one of probation and preparation.

It was not all silent. There were some giants in those days also, though they were few in number. Of these, John Randolph stands as a connecting link between the old and new oratory.

His entrance into Congress in 1800 fitly rounded out the passing century, fitly attended the birth of the new. As an orator, he could rightfully claim all that was best in both periods. His extraordinary genius culled all that was worthy and made it its own. True, Randolph was a man of moods, and he too often wrought these into his public utterances. But he was sincere and courageous; he had to a remarkable extent the gift of foresight; he had power of eloquence not lightly to be encountered or disregarded; and if he too frequently dealt in invective and sarcasm, sometimes even descending to vituperation, there were other moments when his speech rose to heights rarely reached, and assumed the truth and grandeur of the warning voice of the prophets of old.

The advent of Randolph into the parliamentary assembly of the nation came at a time when the activities of such men as Ames and Hamilton were drawing to a close, and before the rising of the stars of Clay, Pinckney, Wirt, and their contemporaries. For a time, indeed, Randolph stood unquestioned as the foremost orator of America: there was none to dispute the title with him. His eccentric independence made him personally disliked by his associates, but as soothsayer and statesman he was the popular ideal.

But the new generation was beginning to assert

itself, and the interests of the times were rapidly producing a race of speakers which should not shame it. The old idols were being rapidly overthrown by that potent iconoclast, public opinion. Style was in process of transformation ; the Asiatic method, with its florid color and almost barbaric splendor, was falling into disfavor. A simpler form, not devoid of color, but subduing this to harmony, was to be in vogue ; rhetoric was still dominant and necessary to the orator, but it was of different mould to that which had been the acme of form in the outworn days. The pithy, even the rugged, took precedence over the merely graceful ; there was demand for strength as well as beauty, matter as well as manner. To these canons the coming generation of orators rapidly learned to conform. There was less straining after effect, less embroidery of a thought until the thought itself was lost amid ornament. Severe simplicity was not yet held to be the test of merit ; grace and beauty were not banished ; but they were considered subordinate to the informing thought.

Meanwhile in the nation there was dissension from within and without. The constant combat between the Federal and the National parties raged without cessation, and added to this was threat of outer danger. British aggression had not ceased with the severance of the colonies from her rule ; defeated upon the land, the sea was yet hers, and

here she used her power in wanton tyranny. At last the long succession of insult and wrong drew to a focus, and the question of States' Rights was temporarily eclipsed by the more timely matter of Sailors' Rights. The attack of the *Leopard* upon the *Chesapeake* was the torch which lighted the long-smouldering national indignation into flame, and war was the inevitable consequence.

But before it came, there was cogent and able debate in the halls of Congress. Henry Clay had made his appearance in that body, and the fame of his speaking soon went abroad over the length and breadth of the land. The "Mill Boy of the Slashes" proved himself worthy to dispute the supremacy of Randolph of Roanoke, his antagonist from the beginning. Randolph was an avowed admirer of England, and the keen debate, led by such giants, was omen of others yet greater to follow. Clay's attack upon the policy and methods of England was impulsive and powerful; Randolph's defence was dignified and impressive. But the heart of the people was with Clay in this his first great struggle; and victory rested with him. In this combat Randolph was forced to battle against the irresistible logic of events as well as against an eloquence which fairly matched his own, and before the combination he retired from the field, a beaten champion.

The predominance of external over internal in-

terests did not last long, and with the proclamation of peace arose new and weighty questions of administration and policy. Sectionalism began to appear in the legislative debates and enactments. Here there was grave menace to the future peace of the country, but there was high promise of oratory. Unity was threatened with hopeless division. Antagonism, always conducive, if not necessary, to the highest eloquence, assumed powerful proportions. And this bore fruit in speech, and the fruit was sweeter than the promise of the vine. In the discussion which seeks the best, wisdom may most luxuriantly flourish, but it is when prompted by surging emotion that eloquence finds its highest plane.

The application of Missouri to be admitted as a State to the Union brought up the question of slavery for immediate discussion. It had long been a burning question, and the nation was divided upon it. Up to that period it had not been formally recognized as within the sphere of national politics, yet all knew that it was in reality the most important of such questions. In the debate which ensued upon the application, the subject which had so long run in undercurrent through all debate and legislation at length came to the surface. The occasion called for oratory, and the call was not in vain. The debate was long, and at times acrimonious, and it was marked

by some real and fervid eloquence. While the matter ostensibly under discussion was the power of the putative State to limit and control immigration from other States, the question really resolved itself into the status of slavery. Many and able speeches were delivered; that of Pinkney was perhaps the most notable, but the whole debate was worthy of the occasion.

The compromise which resulted was satisfactory to none. All felt that the main issue had been avoided rather than settled, and if there was hope of ensuing "peace and good will," it waned before it had assumed fair proportions. The sections of the country had become hopelessly estranged, both by the measure and the debate which had preceded it. The day was very near when party would mean section, and when the members of Congress would feel themselves representatives of a sectional sentiment rather than of a State or of the nation.

Particularistic reaction gradually set in. There was financial stress in all parts of the country, and the subject of the tariff became of great import. The legislation upon this question, while not strictly sectional, nevertheless increased the bitterness of feeling between the North and the South. In South Carolina the doctrine of nullification began to be agitated, and all the country was in a ferment.

In all this was adequate food for oratory. Neither of the great sections lacked champions to defend its cause. The period was that of the very apogee of American oratory. The roll of Congress contained such names as Webster, Clay, and Calhoun; and others, such as Hayne and Benton, of lesser note but yet worthy of fame. Corwin, who was as a speaker but little inferior to the greatest, was there also, and Legaré came later into the debate. It was a veritable battle of the giants.

But however brilliantly other lights may glow, it is to the resplendent glory of the first three names on the list that the student of oratory turns when in search of the suns which outshine all lesser bodies in the systems of American oratory. Clay, Webster, and Calhoun, to name them in order of rising rather than of greatness, are undeniably the noblest luminaries in that system. They had varying gifts of speech; each excelled in some particulars. Each was very great; and though to award the palm to any one of these transcendent orators would be to assume too great wisdom, yet the assertion that such a trio will never again assemble in our legislative halls need fear no reasonable contradiction.

It will be of interest as well as of value to examine closely the methods of these masters of parliamentary oratory.

Henry Clay was an orator by nature rather than by art. He was gifted with rare powers of tact and perception, and these he turned to excellent account in debate. He had a resonant voice and a graceful and impressive delivery, and knew how to make good use of these adventitious aids. But the chief impression made upon the hearer was the absolute sincerity of the man. His eloquence was always the fruit of his deepest convictions; his thought gave sure foundation for his expression, and the foundation was even grander than the superstructure. His defective education sometimes militated against reaching the highest verbal effect; but there was always in his speech a lucidity which best conveyed his meaning. He seldom indulged in display of rhetoric, doubtless because of the same educational limitations, yet his figures, when used, were always graceful and adequate. He never ranted, though his energy was at times so great as by its own force to sweep aside opposition.

Clay's method of reasoning was at once homely and effective. He had a way of seizing at once the chief thread in the skein of the matter under discussion, and of weaving it into a weft of words in which it was never lost, but because of which it showed even more plainly than before he had thus woven it into place. There was little of subtlety in his argument; he presented the facts in

plain phraseology, and drew his conclusions without the intervention of confusing logic. Yet he was ever logical, reaching his conclusions by gradual and evident steps, generally comprehensible by the most ordinary intellect.

Clay's diction was always pure. He seemed to have an intuitive grasp of the value of each word, choosing none that was not apt to the thought. There are many concomitant necessities in the highest oratory, and of these purity of diction stands preëminent. Without it, the noblest thoughts become dwarfed and distorted, and the mind of the hearer receives but a chaotic impression, unconvincing and evanescent. Turgidity is a fault which has been common to public speakers of all ages, but there have ever been some who refused to permit their speech to be clouded, and of these Clay was one.

Ever since the current century reached maturity the name of Daniel Webster has been accepted as a synonyme for the highest expression of oratory. In popular estimation, he has never known a rival in the field of American eloquence, and one must go far afield to find an orator who would in America be generally admitted to be the equal of Webster. Yet the very familiarity of his words has caused his fame to suffer loss of esteem. His eloquence is too often associated with the schoolboy rant or crude quotation which have made it

known in places whither its sound would not otherwise have reached. To form a correct estimate of the true value of his eloquence is therefore a matter of some difficulty.

At the outset of his career as a public speaker there is no doubt that his style was, as he himself afterward characterized it, "bombastic and pompous in the extreme." But this arose from the youthful flush of feeling, joined to the effects of an education wherein had come no opportunities for wide reading. The thoughts which arose in his brain were too weighty to be associated in the mind of a young man with any but weighty expression, and the result was artificiality. Gradually, however, the young lawyer learned the value of simplicity and directness by speaking to juries whose members could not follow argument couched in complex speech. This knowledge was of vast importance to him ; it did not lead him to eschew grace of diction or wealth of illustration and figure when these were appropriate to the time and occasion, but it limited and restrained his powers to their true bounds.

But the practice of law was hardly worthy of the comprehensiveness and grasp of his mind, and in the arena of politics and statesmanship he found worthier place. Before he entered Congress he had, in various occasional speeches, such as his great oration at the founding of the Bunker Hill

Monument, given sure proof of marvellous powers as an orator, showing taste and delicacy of feeling and beauty of style which sometimes rose into a rugged poetry. It was, however, in debate that he was to gain his greatest and best-deserved fame. Here appear not only his mastery of speech, but also the broad principles, the sure grasp, the unerring perception, which were among his most clearly defined and greatest qualities. Webster was statesman first and orator afterward.

It is, however, only as orator that he is here to be considered. He brought to his aid in debate great powers of natural eloquence, tempered and chastened by his experience in the courts of law. He strove after no effects; yet he gained them. His vocabulary was not extensive; but he was unequalled in his intuitive feeling of the proper combination of words. By this means he could make ordinary words seem strong and apt; each seemed to fit into its place as a stone in a grand mosaic, leaving an impression of smoothness and beauty.

If to the last there was at times in his style a suggestion of ponderousness, it was because of the character of the man, which could find expression only in the grander aspects of the question under discussion, however trivial this might seem to be. Lightness was never a quality of Webster's nature or oratory; he was always earnest. His humor was

mastodonic; his sarcasm was heavy and ineffective. He was at his best when discussing some great principle, following his always worthy conception to its legitimate conclusion, and clothing his noble thoughts in splendid apparel of speech.

John C. Calhoun was an orator of different type from Clay or Webster, but his name will always be associated with theirs in a critical estimate of American oratory. He was more properly a reasoner than an orator. As a thinker he was at least the equal of his great contemporaries, and his profound and broad intellect disdained the aid of figure or trope in gaining attention or victory. His speech was that of a logician; he reasoned, but never demonstrated. His words were dignified, incisive, clear-cut, but seldom impassioned; he did not seek to rouse enthusiasm, but to win conviction. If he was ever eloquent, in the generally accepted sense of that term, it was on one of the extremely rare occasions when he allowed his subject to gain the mastery over his intelligence, and launched forth into some extravagance of generalization.

Yet as a parliamentary debater he has seldom been equalled. His close and cogent reasoning, his perspicuous presentment of his case, his severe and trenchant rhetoric, were models of their kind. The rigidity of his logic was absolute; to controvert his conclusions it was necessary to deny his

premises, for the chain of reasoning was irrefragable.

Calhoun had, above all other parliamentary orators of his day, the power of keen and subtle analysis. He subjected each proposition of his opponents to the most critical examination, and unerringly discovered and attacked the weakest point in their position. For the substantiation of his own propositions he relied on unity of thought. He never made the mistake of attempting to cover too large a field in his argument; his thoughts were clearly expressed, and followed each other in proper sequence. His exposition was as luminous as his logic was impermeable, and his sincerity and conviction never failed to gain respect, even if his words failed of winning their hearers to the cause which he advocated.

With the era of Clay, Calhoun, and Webster American parliamentary oratory reached its noblest phase of existence. The conditions were favorable to highest development in the art of speech, and the result did not betray the promise. The characteristics of the oratory of that day were logical reasoning, absolute conviction, chaste expression, and luxuriant yet pure diction. Congress revived and perpetuated the best traditions of the Parliament of England, and comparison showed no decisive victory for either body.

It was a time of contention. The country was

now completely divided against itself, and distrust had ripened into animosity. Yet there still remained much of mutual respect, and this spirit prevented antagonism from descending to wrangling. Debate was often heated, sometimes acrimonious, but it was rarely carried beyond the bounds dictated by parliamentary procedure. The famous attack of Hayne upon Webster was not personal ; it was an attack of South Carolina upon Massachusetts, of the South upon the North. Webster's reply was in the same spirit. There was sarcasm and something of innuendo in both speeches, but there was no vituperation. Each man, in the estimation of his antagonist and of Congress in general, represented a principle, and it was this principle which was the object of attack and defence.

But if this spirit of moderation still held sway in the great legislative bodies of the nation, it was rapidly waning in the nation at large. Although the oratory of Congress was at this period so great in character and importance as to preclude full consideration of any other class, there was prevalent a type which was in a measure peculiar to the soil, and which, coming into vogue before the close of the eighteenth century, has maintained its place unto this day. This is the class of oratory known by the generic title of " Fourth of July speeches." It was, as a rule, not of high

type; but it was distinctively national. Under its classification were comprised many different styles, from the able and dignified oration of such an orator as John Quincy Adams to the frothy mouthings of some village ranter.

Up to almost the middle of the nineteenth century this class of public speech, however little it had possessed of worth, had been innocuous. But at length the spirit of "spread-eagleism" broke forth from its wonted and proper bournes and began to concern itself with matters too weighty for its intelligence and methods. The speaker of the occasion failed to confine himself to the thoughts really germane to his subject; he took undue advantage of his opportunity to pass lightly over his proper theme, the fateful past, and lead his auditors into a consideration of the affairs of the portentous present.

The effect of this was marked, both upon the people and upon the oratory of the country. With the masses, ignorant incitement of prejudice and animosity led to rapidly growing intolerance. In all minds, save those of the wiser men of their generation, there began to appear that intemperate bigotry which later found expression in the saying of Charles Sumner, "There is no other side."

Happily, Congress long resisted the encroachments of this spirit of bitter bigotry. Those who filled the halls of the legislature of the land were

trained in other methods; they held that there might be antagonism without rancor, opposition without villification. To controvert a principle it did not seem to them necessary or expedient to vehemently attack the character of him who supported its tenets.

But the poison was spreading. It permeated the veins of the whole country, and it was only a question of time when it would reach the brain of that country, its legislature. With the introduction of new members, nurtured amid the atmosphere of intolerance and hatred which now hung murkily over the land, the spirit which threatened the peace of the nation was also introduced into the midst of Congress. Not until the passing of the oratorical generation which we have been considering did that spirit obtain dominance; but even before the words of that generation had altogether ceased to echo in the dome of the Capitol, the pernicious influence of sectionalism had found usurping place in the councils of the nation.

Under these conditions the character of American oratory was once again to know change. The spirit of the berserker was to enter into it, and it was to fight blindly and savagely, careless of aught but destruction of the foe. There was to be strong and sad contrast to the period when the country was welded together in earnest en-

deavor to preserve the national spirit in its integrity, when the voice of the land was the voice of a united people.

The noblest era of deliberative oratory in the United States had run its course when the voices of Clay, Calhoun, and Webster were silenced forever. Even had there been followers worthy to uphold the standard which they had borne in the fray, the times forbade the continuance of the best in speech. Time of peril and even of antagonism is fruitful of good in oratory; but when internal dissension grows to the strength of fear and hatred, there is lack of that which gives speech worth. So it was in Greece, in Rome, and later in England and in France; and so it was in America.

With the advent of Randolph of Roanoke the parliamentary oratory of the United States began to gain in grace, in strength, and in purpose; with the passing of Webster, the last survivor of the great triumvirate which for so long held predominance in the councils of the nation, American deliberative oratory drooped toward its nadir. There was yet to be much public speech well worth preservation as type, and of interest as evidence of the esoteric history of the times, but there was to be little to call for emulation. Eloquence still lived, and its exponents still manifested potentialities that were admirable in kind; but these

were too often distorted to unworthy purpose, and the oratory of the land was used as a weapon in the hands of bigotry and hatred until it lost its trenchancy and glitter and became dulled and stained, and so was left to rust unheeded in its scabbard.

JOHN QUINCY ADAMS

John Quincy Adams was born in Massachusetts, July 11, 1767. As a boy he passed several years in Europe, whither his father had been sent on an embassy, and he enjoyed the educational privileges to be found in Paris, The Hague, and London. In consequence, he was one of the most highly educated men of his day. He graduated from Harvard in 1788, and was admitted to the bar in 1791, occupying himself for some succeeding years in the practice of his profession and in writing occasional articles for the newspapers. In 1794 he was appointed minister at The Hague, and some years later minister to Berlin. In 1802 he was elected a member of the Legislature of his State, and in the following year he was chosen as member of Congress, but soon resigned his seat. In 1806 he was chosen as professor of belles-lettres at Harvard, but continued to take an active interest in politics. In 1809 he was minister to Russia, where he exercised great influence over the Emperor. After peace had been declared between this country and England,—a peace in the negotiations for which Adams was most prominent,—he became minister to England, and retained this position until called to the office of Secretary of State. In 1824 he was elected President, but was defeated for a second term. For the next seventeen years he was in Congress, as an Independent and the champion of the people, and was always identified with measures which looked to reform. In 1848, while in his seat in the House, he was stricken by paralysis, and died on the second day of his illness.

Adams was one of the most scholarly of orators. His language was carefully chosen to meet the demand of the subject and moment, and if his diction was somewhat ponderous, it was according to the canons of the day.

The best account of the life and writings of Adams is to be found in the *Memoirs of John Quincy Adams* by Charles F. Adams (12 vols.); Morse's *Life of John Quincy Adams* (1882) is also interesting and valuable.

ON AMERICAN INDEPENDENCE

John Quincy Adams.

The following speech, delivered by Mr. Adams on July 4, 1793, is interesting as being one of the earliest extant specimens of Fourth of July oratory. It is also valuable for its genuine, if somewhat peculiar and old-fashioned, eloquence. In weighing its merits, it must be remembered that that which is now looked upon as turgidity was then considered ornament, and that phrases which in our day would be received with laughter in those times evoked applause.

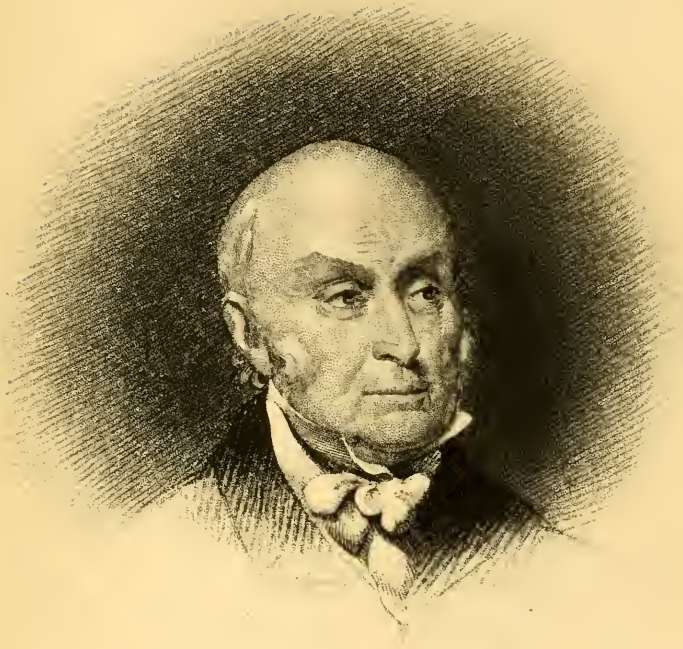
IT has been a custom, sanctioned by the universal practice of civilized nations, to celebrate with anniversary solemnities the return of the days which have been distinguished by events the most important to the happiness of the people. In countries where the natural dignity of mankind has been degraded by the weakness of bigotry or debased by the miseries of despotism, this customary celebration has degenerated into a servile mockery of festivity upon the birthday of a sceptred tyrant, or has dwindled to an unmeaning revel in honor of some canonized fanatic, of whom nothing now remains but the name in the calendar of antiquated superstition. In those more fortunate regions of the earth where liberty has con-

descended to reside, the cheerful gratitude of her favored people has devoted to innocent gayety and useful relaxation from the toils of virtuous industry the periodical revolution of those days which have been rendered illustrious by the triumphs of freedom.

Americans! such is the nature of the institution which again calls your attention to celebrate the establishment of your national independence. And surely since the creation of the heavenly orb which separated the day from the night, amid the unnumbered events which have diversified the history of the human race, none has ever occurred more highly deserving of celebration, by every species of ceremonial that can testify a sense of gratitude to the Deity, and of happiness derived from His transcendent favors.

It is a wise and salutary institution, which forcibly recalls to the memory of freemen the principles upon which they originally founded their laboring plan of state. It is a sacrifice at the altar of Liberty herself; a renewal of homage to the sovereign who alone is worthy of our veneration; a profession of political fidelity, expressive of our adherence to those maxims of liberal submission and obedient freedom which in these favored climes have harmonized the long-contending claims of liberty and law. By a frequent recurrence to those sentiments and actions upon which

John Quincy Adams
After the painting by Marchant



the glory and felicity of the nation rest supported, we are enabled to renew the moments of bliss which we are not permitted to retain ; we secure a permanency to the exaltation of what the constitution of nature has rendered fleeting, and a perennial existence to enjoyments which the lot of humanity has made transitory.

The "feelings, manners, and principles" which led to the independence of our country : such, my friends and fellow-citizens, is the theme of our present commemoration. The field is extensive ; it is fruitful ; but the copious treasures of its fragrance have already been gathered by the hands of genius ; and there now remains for the gleaning of mental indigence nought but the thinly scattered sweets which have escaped the vigilance of their industry.

They were the same feelings, manners, and principles which conducted our venerable forefathers from the unhallowed shores of oppression ; which inspired them with the sublime purpose of converting the forests of a wilderness into the favorite mansion of liberty, of unfolding the gates of a new world as a refuge for the victims of persecution in the old — the feelings of injured freedom, the manners of social equality, and the principles of eternal justice.

Had the sovereigns of England pursued the policy prescribed by their interest ; had they not

provoked the hostilities of their colonies against the feeble fortress of their authority ; they might perhaps have retained to this day an empire which would have been but the more durable for resting only upon the foundation of immemorial custom and national affection.

Encumbered, however, with the oppressive glory of a successful war, which had enriched the pride of Britain with the spoils of her own opulence and replenished the arrogance in proportion as it had exhausted the resources of the nation, an adventurous ministry, catching at every desperate expedient to support the ponderous burden of the national dignity and stimulated by the perfidious instigations of their dependents in America, abandoned the profitable commercial policy of their predecessors, and superadded to the lucrative system of monopoly which we had always tolerated as the price of their protection a system of internal taxation from which they hoped to derive a fund for future corruption and a supply for future extravagance.

The nation eagerly grasped at the proposal. The situation, the condition, the sentiments of the colonies were subjects upon which the people of Britain were divided between ignorance and error. The endearing ties of consanguinity, which had connected their ancestors with those of the Americans, had been gradually loosened to

the verge of dissolution by the slow but ceaseless hand of time. Instead of returning the sentiments of fraternal affection which animated the Americans, they indulged their vanity with preposterous opinions of insulting superiority ; they considered us, not as fellow-subjects, equally entitled with themselves to every privilege of Englishmen, but as wretched outcasts, upon whom they might safely load the burden while they reserved to themselves the advantages of the national grandeur. It has been observed that nations most highly favored with freedom have not always been the most friendly to the liberty of others. The people of Britain expected to feel none of the oppression which a parliamentary tyranny might impose upon the Americans ; on the contrary, they expected an alleviation of their burden from the accumulation of ours, and vainly hoped that by the stripes inflicted upon us their wounds would be healed.

The King — need it be said that he adopted the offspring of his own affections, a plan so favorable to the natural propensity of royalty towards arbitrary power ? Depending upon the prostituted valor of his mercenary legions, he was deaf to the complaints, he was inexorable to the remonstrances of violated freedom. Born and educated to the usual prejudices of hereditary dominion and habitually accustomed to the syren song of

adulation, he was ready to believe what the courtly tribe about his throne did not fail to assure him — that complaint was nothing more than the murmur of sedition, and remonstrance the clamor of rebellion.

But they knew not the people with whom they had to contend — a people sagacious and enlightened to discern, cool and deliberate to discuss, firm and resolute to maintain their rights. From the first appearance of the system of parliamentary oppression under the form of a Stamp Act, it was met by the determined opposition of the whole American continent. The annals of other nations have produced instances of successful struggles to break a yoke previously imposed; but the records of history did not, perhaps, furnish an example of a people whose penetration had anticipated the operations of tyranny, and whose spirit had disdained to suffer an experiment upon their liberties. The ministerial partisans had flattered themselves with the expectation that the Act would execute itself; that before the hands of freedom could be raised to repel the usurpation, they would be loaded with fetters; that the American Samson would be shorn of his locks while asleep, and, when thus bereaved of his strength, might be made their sport with impunity! Vain illusion! Instantaneous and forceful as an electric spark, the fervid spirit of resistance pervaded every part of

the country ; and at the moment when the operation of the system was intended to commence, it was indignantly rejected by three millions of men — high-minded men, determined to sacrifice their existence rather than resign the liberty from which all its enjoyments were derived.

It is unnecessary to pursue the detail of obstinacy and cruelty on the one part, of perseverance and fortitude on the other, until the period when every cord which had bound the two countries together was destroyed by the violence of reciprocal hostilities, and the representatives of America adopted the measure which was already dictated by the wishes of their constituents : they declared the United Colonies free, sovereign, and independent States.

Americans ! let us pause for a moment to consider the situation of our country at that eventful day when our national existence commenced. In the full possession and enjoyment of all those prerogatives for which you then dared to adventure upon "all the varieties of untried being," the calm and settled moderation of the mind is scarcely competent to conceive the tone of heroism to which the souls of freemen were exalted in that hour of perilous magnanimity. Seventeen times has the sun, in the progress of his annual revolutions, diffused his prolific radiance over the plains of independent America. Millions of hearts which

then palpitated with the rapturous glow of patriotism have already been translated to brighter worlds — to the abodes of more than mortal freedom. Other millions have arisen to receive from their parents and benefactors the inestimable recompense of their achievements. A large proportion of the audience whose benevolence is at this moment listening to the speaker of the day, like him were at that period too little advanced beyond the threshold of life to partake of the divine enthusiasm which inspired the American bosom ; which prompted her voice to proclaim defiance to the thunders of Britain ; which consecrated the banners of her armies, and finally erected the holy temple of American liberty over the tomb of departed tyranny. It is from those who have already passed the meridian of life—it is from you, ye venerable asserters of the rights of mankind, that we are to be informed what were the feelings which swayed within your breasts and impelled you to action when, like the stripling of Israel, with scarce a weapon to attack and without a shield for your defence, you met and undismayed engaged with the greatness of the British power. Untutored in the disgraceful science of human butchery ; destitute of the fatal materials which the ingenuity of man has combined to sharpen the scythe of death ; unsupported by the arm of any friendly alliance, and

unfortified against the powerful assaults of an unrelenting enemy, you did not hesitate at that moment when your coasts were infested by a formidable fleet, when your territories were invaded by a numerous and veteran army, to pronounce the sentence of eternal separation from Britain, and to throw the gauntlet to a power, the terror of whose recent triumphs was almost coextensive with the earth. The interested and selfish propensities which in times of prosperous tranquillity have such powerful dominion over the heart were all expelled ; and, in their stead, the public virtues, the spirit of personal devotion to the common cause, a contempt of every danger in comparison with the subserviency of the country, had assumed an unlimited control. The passion for the republic had absorbed all the rest, as the glorious luminary of heaven extinguishes in a flood of refulgence the twinkling splendor of every inferior planet. Those of you, my countrymen, who were actors in those interesting scenes will best know how feeble and impotent is the language of this description to express the impassioned emotions of the soul with which you were then agitated ; yet it were injustice to conclude from thence, or from the greater prevalence of private and personal motives in these days of calm serenity, that your sons have degenerated from the virtues of their fathers. Let it rather be

a subject of pleasing reflection to you that the generous and disinterested energies which you were summoned to display are permitted by the bountiful indulgence of Heaven to remain latent in the bosoms of your children. From the present prosperous appearance of our public affairs, we may admit a rational hope that our country will have no occasion to require of us those extraordinary and heroic exertions which it was your fortune to exhibit. But, from the common versatility of all human destiny, should the prospect hereafter darken and the clouds of public misfortune thicken to a tempest, should the voice of our country's calamity ever call us to her relief, we swear by the precious memory of the sages who toiled and of the heroes who bled in her defence that we will prove ourselves not unworthy the prize which they so dearly purchased, that we will act as the faithful disciples of those who so magnanimously taught us the instructive lesson of republican virtue.

Seven years of ineffectual hostility, a hundred millions of treasure fruitlessly expended, and uncounted thousands of human lives sacrificed to no purpose at length taught the dreadful lesson of wisdom to the British Government, and compelled them to relinquish a claim which they had long since been unable to maintain. The pride of Britain, which should have been humbled, was only

mortified. With sullen impotence, she yielded to the pressure of accumulated calamity and closed with reluctance an inglorious war, in which she had often been the object, and rarely the actor, of a triumph.

The various occurrences of our national history since that period are within the recollection of all my hearers. The relaxation and debility of the political body which succeeded the violent exertions it had made during the war ; the total inefficacy of the recommendatory federal system, which had been formed in the bosom of contention ; the peaceable and deliberate adoption of a more effectual national Constitution by the people of the Union, and the prosperous administration of that government, which has repaired the shattered fabric of public confidence, which has strengthened the salutary bands of national union and restored the bloom and vigor of impartial justice to the public countenance, afford a subject of pleasing contemplation to the patriotic mind. The repeated unanimity of the nation has placed at the head of the American councils the heroic leader whose prudence and valor conducted to victory the armies of freedom ; and the two first offices of the commonwealth still exhibit the virtues and employ the talents of the venerable patriots whose firm and disinterested devotion to the cause of liberty was rewarded by the honor-

able distinction of a British proscription. Americans! the voice of grateful freedom is a stranger to the language of adulation. While we wish these illustrious sages to be assured that the memory of their services is impressed upon all our hearts in characters indelible to the latest period of time, we trust that the most acceptable tribute of respect which can be offered to their virtues is found in the confidence of their countrymen. From the fervent admiration of future ages, when the historians of America shall trace from their examples the splendid pattern of public virtue, their merits will receive a recompense of much more precious estimation than can be conferred by the most flattering testimonials of contemporaneous applause.

The magnitude and importance of the great event which we commemorate derives a vast accession from its influence upon the affairs of the world and its operation upon the history of mankind. It has already been observed that the origin of the American Revolution bears a character different from that of any other civil contest that has ever arisen among men. It was not the convulsive struggle of slavery to throw off the burden of accumulated oppression, but the deliberate, though energetic, effort of freemen to repel the insidious approaches of tyranny. It was a contest involving the elementary principles of

government — a question of right between the sovereign and the subject, which in its progress had a tendency to introduce among the civilized nations of Europe the discussion of a topic, the first in magnitude which can attract the attention of mankind, but which for many centuries the gloomy shades of despotism had overspread with impenetrable darkness. The French nation cheerfully supported an alliance with the United States and a war with Britain, during the course of which a large body of troops and considerable fleets were sent by the French Government to act in conjunction with their new allies. The union, which had at first been formed by the coalescence of a common enmity, was soon strengthened by the bonds of a friendly intercourse, and the subjects of an arbitrary prince, in fighting the battles of freedom, soon learned to cherish the cause of liberty itself. By a natural and easy application to themselves of the principles upon which the Americans asserted the justice of their warfare, they were led to inquire into the nature of the obligation which prescribed their submission to their own sovereign ; and when they discovered that the consent of the people is the only legitimate source of authority, they necessarily drew the conclusion that their own obedience was no more than the compulsive acquiescence of servitude, and they waited only for a favorable

opportunity to recover the possession of those enjoyments to which they had never forfeited the right. Sentiments of a similar nature, by a gradual and imperceptible progress, secretly undermined all the foundations of their government; and when the necessities of the sovereign reduced him to the inevitable expedient of appealing to the benevolence of the people, the magic talisman of despotism was broken, the spell of prescriptive tyranny was dissolved, and the pompous pageant of their monarchy instantaneously crumbled to atoms.

The subsequent European events, which have let slip the dogs of war to prey upon the vitals of humanity; which have poured the torrent of destruction over the fairest harvests of European fertility; which have unbound the pinions of desolation, and sent her forth to scatter pestilence and death among the nations; the scaffold smoking with the blood of a fallen monarch; the corpse-covered field, where agonized nature struggles with the pangs of dissolution — permit me, my happy countrymen, to throw a pall over objects like these, which could only spread a gloom upon the face of our festivity. Let us rather indulge the pleasing and rational anticipation of the period when all the nations of Europe shall partake of the blessings of equal liberty and universal peace. Whatever issue may be destined

by the will of Heaven to await the termination of the present European commotions, the system of feudal absurdity has received an irrevocable wound, and every symptom indicates its approaching dissolution. The seeds of liberty are plentifully sown. However severe the climate, however barren the soil, of the regions in which they have been received, such is the native exuberance of the plant that it must eventually flourish with luxuriant profusion. The governments of Europe must fall ; and the only remaining expedient in their power is to gather up their garments and fall with decency. The bonds of civil subjection must be loosened by the discretion of civil authority, or they will be shivered by the convulsive efforts of slavery itself. The feelings of benevolence involuntarily make themselves a party to every circumstance that can affect the happiness of mankind ; they are ever ready to realize the sanguine hope that the governments to rise upon the ruins of the present system will be immutably founded upon the principles of freedom and administered by the genuine maxims of moral subordination and political equality. We cherish, with a fondness which cannot be chilled by the cold, unanimated philosophy of scepticism, the delightful expectation that the cancer of arbitrary power will be radically extracted from the human constitution ; that the passions which have hitherto

made the misery of mankind will be disarmed of all their violence and give place to the soft control of mild and amiable sentiments, which shall unite in social harmony the innumerable varieties of the human race. Then shall the nerveless arm of superstition no longer interpose an impious barrier between the beneficence of Heaven and the adoration of its votaries; then shall the most distant regions of the earth be approximated by the gentle attraction of a liberal intercourse; then shall the fair fabric of universal liberty rise upon the durable foundation of social equality; and the long-expected era of human felicity, which has been announced by prophetic inspiration and described in the most enraptured language of the muses, shall commence its splendid progress. Visions of bliss! with every breath to Heaven we speed an ejaculation that the time may hasten when your reality shall be no longer the ground of votive supplication, but the theme of grateful acknowledgment; when the choral gratulations of the liberated myriads of the elder world, in symphony sweeter than the music of the spheres, shall hail your country, Americans, as the youngest daughter of Nature, and the first-born of Freedom!

FISHER AMES

Fisher Ames was born in Massachusetts in 1758. He graduated from Harvard in 1774, and embarked on the practice of law, with which he combined the pursuit of politics. In 1788 he was prominent in the Massachusetts convention of ratification, pleading the cause of the Constitution with great ability. He was the first representative of his district under the new form of government, and served during the administration of Washington, being noted as one of the foremost orators of the day. After the close of his congressional career he took no active part in politics, although he frequently wrote timely articles for the journals. He died in 1808, the last years of his life having been spent in retirement.

Ames was epigrammatic in his style, having a faculty of so grouping his words as to cause them to linger in the memory. He revelled in pictorial diction, and the effect of his sentences was striking in the extreme. Yet he was not sequent in his arrangement or argument, thereby often producing a confusion in the minds of his hearers ; this defect was doubtless due to the fact that he rarely wrote his speeches, contenting himself with familiarizing himself with his theme and then trusting to the inspiration of the moment.

The best life of Ames is that by Kirkland. His collected works were published in two volumes by his son in 1854.

EULOGY ON WASHINGTON

Ames.

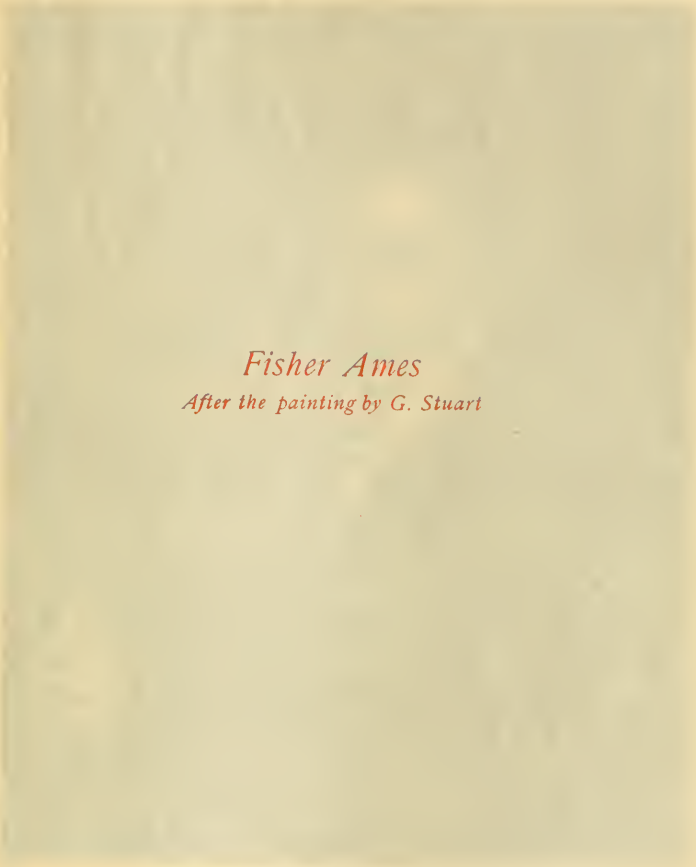
The famous eulogy delivered by Mr. Ames on Washington was prepared at the request of the Legislature of Massachusetts, and pronounced on February 8, 1800. It is a specimen of a species of oratory greatly in vogue at that time. The language is well and apparently carefully chosen, yet is often so involved as to make its meaning difficult to grasp, or so roughly joined as to convey a wrong impression of its true meaning. The figures are often bold and striking, but are mingled in inextricable confusion. Yet there is much of true eloquence in the speech, and although the orator wandered from his subject to indulge in a diatribe against the policy of France toward this country, the purely eulogistic parts are impressive and the effect in general admirable.

IT is natural that the gratitude of mankind should be drawn to their benefactors. A number of these have successively arisen who were no less distinguished for the elevation of their virtues than the lustre of their talents. Of those, however, who were born, and who acted through life as if they were born, not for themselves, but for their country and the whole human race, how few, alas! are recorded in the long annals of ages, and how wide the intervals of time and space that divide them. In all this dreary length of way, they appear like five or six lighthouses on as many thousand miles of coast; they gleam upon

the surrounding darkness with an inextinguishble splendor, like stars seen through a mist; but they are seen, like stars, to cheer, to guide, and to save. Washington is now added to that small number. Already he attracts curiosity, like a newly discovered star, whose benignant light will travel on to the world's and time's farthest bounds. Already his name is hung up by history as conspicuously as if it sparkled in one of the constellations of the sky.

By commemorating his death, we are called this day to yield the homage that is due to virtue; to confess the common debt of mankind as well as our own; and to pronounce for posterity, now dumb, that eulogium which they will delight to echo ten ages hence, when we are dumb.

I consider myself not merely in the midst of the citizens of this town, or even of the State. In idea, I gather round me the nation. In the vast and venerable congregation of the patriots of all countries and of all enlightened men, I would, if I could, raise my voice, and speak to mankind in a strain worthy of my audience and as elevated as my subject. But how shall I express emotions that are condemned to be mute because they are unutterable? I felt, and I was witness, on the day when the news of his death reached us, to the throes of that grief that saddened every countenance and wrung drops of agony from the



Fisher Ames

After the painting by G. Stuart

heart. Sorrow labored for utterance, but found none. Every man looked round for the consolation of other men's tears. Gracious Heaven! what consolation! Each face was convulsed with sorrow for the past; every heart shivered with despair for the future. The man who, and who alone, united all hearts, was dead — dead, at the moment when his power to do good was the greatest, and when the aspect of the imminent public dangers seemed more than ever to render his aid indispensable and his loss irreparable — irreparable: for two Washingtons come not in one age.

A grief so thoughtful, so profound, so mingled with tenderness and admiration, so interwoven with our national self-love, so often revived by being diffused, is not to be expressed. You have assigned me a task that is impossible.

Oh, if I could perform it, if I could illustrate his principles in my discourse as he displayed them in his life, if I could paint his virtues as he practised them, if I could convert the fervid enthusiasm of my heart into the talent to transmit his fame, as it ought to pass, to posterity, I should be the successful organ of your will, the minister of his virtues, and, may I dare to say, the humble partaker of his immortal glory! These are ambitious, deceiving hopes, and I reject them; for it is, perhaps, almost as difficult at once with judgment

and feeling to praise great actions as to perform them. A lavish and undistinguishing eulogium is not praise; and to discriminate such excellent qualities as were characteristic and peculiar to him would be to raise a name, as he raised it, above envy, above parallel — perhaps, for that very reason, above emulation.

Such a portraying of character, however, must be addressed to the understanding, and, therefore, even if it were well executed, would seem to be rather an analysis of moral principles than the recital of a hero's exploits.

With whatever fidelity I might execute this task, I know that some would prefer a picture drawn to the imagination. They would have our Washington represented of a giant's size and in the character of a hero of romance. They who love to wonder better than to reason would not be satisfied with the contemplation of a great example, unless in the exhibition it should be so distorted into prodigy as to be both incredible and useless. Others,—I hope but few,—who think meanly of human nature, will deem it incredible that even Washington should think with as much dignity and elevation as he acted; and they will grovel in vain in the search for mean and selfish motives that could incite and sustain him to devote his life to his country.

Do not these suggestions sound in your ears

like a profanation of virtue? and while I pronounce them, do you not feel a thrill of indignation at your hearts? Forbear! Time never fails to bring every exalted reputation to a strict scrutiny; the world, in passing the judgment that is never to be reversed, will deny all partiality even to the name of Washington. Let it be denied, for its justice will confer glory.

Such a life as Washington's cannot derive honor from the circumstances of birth and education, though it throws back a lustre upon both. With an inquisitive mind that always profited by the lights of others and was unclouded by passions of its own, he acquired a maturity of judgment, rare in age, unparalleled in youth. Perhaps no young man had so early laid up a life's stock of materials for solid reflection, or settled so soon the principles and habits of his conduct. Gray experience listened to his counsels with respect, and, at a time when youth is almost privileged to be rash, Virginia committed the safety of her frontier, and ultimately the safety of America, not merely to his valor,—for that would be scarcely praise,— but to his prudence.

It is not in Indian wars that heroes are celebrated; but it is there they are formed. No enemy can be more formidable, by the craft of his ambushes, the suddenness of his onset, or the ferocity of his vengeance. The soul of Washington

was thus exercised to danger; and on the first trial, as on every other, it appeared firm in adversity, cool in action, undaunted, self-possessed. His spirit, and still more his prudence, on the occasion of Braddock's defeat diffused his name throughout America and across the Atlantic. Even then his country viewed him with complacency as her most hopeful son.

At the period of 1763 Great Britain, in consequence of her victories, stood in a position to prescribe her own terms. She chose, perhaps, better for us than for herself; for, by expelling the French from Canada, we no longer feared hostile neighbors, and we soon found just cause to be afraid of our protectors. We discerned, even then, a truth, which the conduct of France has since so strongly confirmed, that there is nothing which the gratitude of weak States can give that will satisfy strong allies for their aid but authority; nations that want protectors will have masters. Our settlements, no longer checked by enemies on the frontier, rapidly increased; and it was discovered that America was growing to a size that could defend itself.

In this perhaps unforeseen, but at length obvious, state of things, the British Government conceived a jealousy of the colonies, of which, and of their intended measures of precaution, they made no secret.

Our nation, like its great leader, had only to take counsel from its courage. When Washington heard the voice of his country in distress, his obedience was prompt; and though his sacrifices were great, they cost him no effort. Neither the object nor the limits of my plan permit me to dilate on the military events of the Revolutionary War. Our history is but a transcript of his claims on our gratitude; our hearts bear testimony that they are claims not to be satisfied. When overmatched by numbers, a fugitive with a little band of faithful soldiers, the States as much exhausted as dismayed, he explored his own undaunted heart and found there resources to retrieve our affairs. We have seen him display as much valor as gives fame to heroes, and as consummate prudence as insures success to valor; fearless of dangers that were personal to him, hesitating and cautious when they affected his country; preferring fame before safety or repose, and duty before fame.

Rome did not owe more to Fabius than America to Washington. Our nation shares with him the singular glory of having conducted a civil war with mildness and a revolution with order.

The event of that war seemed to crown the felicity and glory both of America and its chief. Until that contest, a great part of the civilized world had been surprisingly ignorant of the force

and character, and almost of the existence, of the British colonies. They had not retained what they knew, nor felt curiosity to know the state of thirteen wretched settlements, which vast woods enclosed and still vaster woods divided from each other. They did not view the colonists so much as a people as a race of fugitives, whom want and solitude and intermixture with the savages had made barbarians.

At this time, while Great Britain wielded a force truly formidable to the most powerful States, suddenly astonished Europe beheld a feeble people, till then unknown, stand forth and defy this giant to the combat. It was so unequal all expected it would be short. Our final success exalted their admiration to its highest point ; they allowed to Washington all that is due to transcendent virtue, and to the Americans more than is due to human nature. They considered us a race of Washingtons, and admitted that nature in America was fruitful only in prodigies. Their books and their travellers, exaggerating and distorting all their representations, assisted to establish the opinion that this is a new world, with a new order of men and things adapted to it ; that here we practise industry, amidst the abundance that requires none ; that we have morals so refined that we do not need laws, and, though we have them, yet we ought to consider their execution as an insult and

a wrong ; that we have virtue without weaknesses, sentiment without passions, and liberty without factions. These illusions, in spite of their absurdity, and perhaps because they are absurd enough to have dominion over the imagination only, have been received by many of the malcontents against the governments of Europe and induced them to emigrate. Such illusions are too soothing to vanity to be entirely checked in their currency among Americans.

They have been pernicious, as they cherish false ideas of the rights of men and the duties of rulers. They have led the citizens to look for liberty where it is not ; and to consider the government, which is its castle, as its prison.

Washington retired to Mount Vernon, and the eyes of the world followed him. He left his countrymen to their simplicity and their passions, and their glory soon departed. Europe began to be undeceived ; and it seemed for a time as if, by the acquisition of independence, our citizens were disappointed. The Confederation was then the only compact made "to form a perfect union of States, to establish justice, to insure the tranquillity and provide for the security of the nation" ; and accordingly union was a name that still commanded reverence, though not obedience. The system called justice was, in some of the States, iniquity reduced to elementary principles ;

and the public tranquillity was such a portentous calm as rings in deep caverns before the explosion of an earthquake. Most of the States were then in fact, though not in form, unbalanced democracies. Reason, it is true, spoke audibly in their constitutions; passion and prejudice louder in their laws. It is to the honor of Massachusetts that it is chargeable with little deviation from principles; its adherence to them was one of the causes of a dangerous rebellion. It was scarcely possible that such governments should not be agitated by parties, and that prevailing parties should not be vindictive and unjust. Accordingly, in some of the States, creditors were treated as outlaws, bankrupts were armed with legal authority to be persecutors; and, by the shock of all confidence and faith, society was shaken to its foundations. Liberty we had, but we dreaded its abuse almost as much as its loss; and the wise, who deplored the one, clearly foresaw the other.

The peace of America hung by a thread, and factions were already sharpening their weapons to cut it. The project of three separate empires in America was beginning to be broached, and the progress of licentiousness would soon have rendered her citizens unfit for liberty in either of them. An age of blood and misery would have punished our disunion; but these were not the

considerations to deter ambition from its purpose, while there were so many circumstances in our political situation to favor it.

At this awful crisis, which all the wise so much dreaded at the time, yet which appears on a retrospect so much more dreadful than their fears, some man was wanting who possessed a commanding power over the popular passions, but over whom those passions had no power. That man was Washington.

His name, at the head of such a list of worthies as would reflect honor on any country, had its proper weight with all the enlightened and with almost all the well disposed among the less-informed citizens, and, blessed be God! the Constitution was adopted. Yes, to the eternal honor of America among the nations of the earth, it was adopted, in spite of the obstacles which, in any other country, and, perhaps, in any other age than this, would have been insurmountable: in spite of the doubts and fears which well-meaning prejudice creates for itself, and which party so artfully inflames into stubbornness; in spite of the vice which it has subjected to restraint, and which is therefore its immortal and implacable foe; in spite of the oligarchies in some of the States from whom it snatched dominion, it was adopted, and our country enjoys one more invaluable chance for its union and happiness — invaluable, if the

retrospect of the dangers we have escaped shall sufficiently inculcate the principles we have so tardily established! Perhaps multitudes are not to be taught by their fears only, without suffering much to deepen the impression; for Experience brandishes in her school a whip of scorpions, and teaches nations her summary lessons of wisdom by the scars and wounds of their adversity.

The amendments which have been projected in some of the States show that, in them at least, these lessons are not well remembered. In a confederacy of States, some powerful, others weak, the weakness of the Federal Union will, sooner or later, encourage, and will not restrain, the ambition and injustice of the members; the weak can not otherwise be strong or safe but in the energy of the national government. It is this defect, which the blind jealousy of the weak States not infrequently contributes to prolong, that has proved fatal to all the confederations that ever existed.

Although it was impossible that such merit as Washington's should not produce envy, it was scarcely possible that, with such a transcendent reputation, he should have rivals. Accordingly, he was unanimously chosen President of the United States.

As a general and a patriot, the measure of his glory was already full; there was no fame left for

him to excel but his own ; and even that task, the mightiest of all his labors, his civil magistracy has accomplished.

No sooner did the new government begin its auspicious course than order seemed to arise out of confusion. Commerce and industry awoke, and were cheerful at their labors ; for credit and confidence awoke with them. Everywhere was the appearance of prosperity ; and the only fear was that its progress was too rapid to consist with the purity and simplicity of ancient manners. The cares and labors of the President were incessant ; his exhortations, example, and authority were employed to excite zeal and activity for the public service ; able officers were selected, only for their merits, and some of them remarkably distinguished themselves by their successful management of the public business. Government was administered with such integrity, without mystery, and in so prosperous a course, that it seemed to be wholly employed in acts of beneficence. Though it has made many thousand malcontents, it has never, by its rigor or injustice, made one man wretched.

Such was the state of public affairs ; and did it not seem perfectly to insure uninterrupted harmony to the citizens ? Did they not, in respect to their government and its administration, possess their whole heart's desire ? They

had seen and suffered long the want of an efficient Constitution ; they had freely ratified it ; they saw Washington, their tried friend, the father of his country, invested with its powers ; they knew that he could not exceed or betray them without forfeiting his own reputation. Consider for a moment what a reputation it was : such as no man ever before possessed by so clear a title and in so high a degree. His fame seemed in its purity to exceed even its brightness ; office took honor from his acceptance, but conferred none. Ambition stood awed and darkened by his shadow. For where, through the wide earth, was the man so vain as to dispute precedence with him ? or what were the honors that could make the possessor Washington's superior ? Refined and complex as the ideas of virtue are, even the gross could discern in his life the infinite superiority of her rewards. Mankind perceived some change in their ideas of greatness ; the splendor of power, and even the name of conqueror, had grown dim in their eyes. They did not know that Washington could augment his fame ; but they knew and felt that the world's wealth, and its empire too, would be a bribe far beneath his acceptance.

This is not exaggeration ; never was confidence in a man and a chief magistrate more widely diffused or more solidly established.

If it had been in the nature of man that we

should enjoy liberty without the agitations of party, the United States had a right, under these circumstances, to expect it; but it was impossible. Where there is no liberty, there may be exemption from party. It will seem strange, but it scarcely admits a doubt, that there are fewer malcontents in Turkey than in any free State in the world. Where the people have no power, they enter into no contests, and are not anxious to know how they shall use it. The spirit of discontent becomes torpid for want of employment, and sighs itself to rest. The people sleep soundly in their chains, and do not even dream of their weight. They lose their turbulence with their energy, and become as tractable as any other animals — a state of degradation in which they extort our scorn and engage our pity for the misery they do not feel. Yet that heart is a base one, and fit only for a slave's bosom, that would not bleed freely rather than submit to such a condition; for liberty, with all its parties and agitations, is more desirable than slavery. Who would not prefer the republics of ancient Greece, where liberty once subsisted in its excess, its delirium, terrible in its charms, and glistening to the last with the blaze of the very fire that consumed it?

I do not know that I ought, but I am sure that I do, prefer those republics to the dozing slavery of the modern Greece, where the degraded wretches

have suffered scorn until they merit it, where they tread on classic ground, on the ashes of heroes and patriots, unconscious of their ancestry, ignorant of the nature and almost of the name of liberty, and insensible even to the passion for it. Who, on this contrast, can forbear to say it is the modern Greece that lies buried, that sleeps forgotten in the caves of Turkish darkness? It is the ancient Greece that lives in remembrance, that is still bright with glory, still fresh with immortal youth. They are unworthy of liberty who entertain a less exalted idea of its excellence. The misfortune is that those who profess to be its most passionate admirers have generally the least comprehension of its hazards and impediments; they expect that an enthusiastic admiration of its nature will reconcile the multitude to the irksomeness of its restraints. Delusive expectation! Washington was not thus deluded. We have his solemn warning against the often fatal propensities of liberty. He had reflected that men are often false to their country and their honor, false to duty and even to their interest, but multitudes of men are never long false or deaf to their passions; these will find obstacles in laws, associates in party. The fellowships thus formed are more intimate, and impose commands more imperious, than those of society.

Thus party forms a State within the State, and

is animated by a rivalship, fear, and hatred of its superior.

When this happens, the merits of the government will become fresh provocations and offences, for they are the merits of an enemy. No wonder, then, that as soon as party found the virtue and glory of Washington were obstacles, the attempt was made, by calumny, to surmount them both. For this, the greatest of all his trials, we know that he was prepared. He knew that the government must possess sufficient strength from within or without, or fall a victim to faction. The interior strength was plainly inadequate to its defence, unless it could be reinforced from without by the zeal and patriotism of the citizens; and this latter resource was certainly as accessible to President Washington as to any chief magistrate that ever lived. The life of the Federal Government, he considered, was in the breath of the people's nostrils; whenever they should happen to be so infatuated or inflamed as to abandon its defence, its end must be as speedy, and might be as tragical, as the Constitution of France.

While the President was thus administering the government in so wise and just a manner as to engage the great majority of the enlightened and virtuous citizens to coöperate with him for its support, and while he indulged the hope that time and habit were confirming their attachment, the

French Revolution had reached that point in its progress when its terrible principles began to agitate all civilized nations. I will not, on this occasion, detain you to express, though my thoughts teem with it, my deep abhorrence of that revolution : its despotism, by the mob or the military, from the first, and its hypocrisy of morals to the last. Scenes have passed there which exceed description, and which for other reasons I will not attempt to describe ; for it would not be possible, even at this distance of time and with the sea between us and France, to go through with the recital of them without perceiving horror gather, like a frost, about the heart, and almost stop its pulse. That revolution has been constant in nothing but its vicissitudes and its promises — always delusive, but always renewed — to establish philosophy by crimes and liberty by the sword. The people of France, if they are not like the modern Greeks, find their cap of liberty is a soldier's helmet ; and with all their imitation of dictators and consuls, their exactest similitude to these Roman ornaments is in their chains. The nations of Europe perceive another resemblance in their all-conquering ambition.

But it is only the influence of that event on America and on the measures of the President that belongs to my subject. It would be ungratefully wrong to his character to be silent in respect to

a part of it which has the most signally illustrated his virtues.

The genuine character of that revolution is not even yet so well understood as the dictates of self-preservation require it should be. The chief duty and care of all governments is to protect the rights of property and the tranquillity of society. The leaders of the French Revolution, from the beginning, excited the poor against the rich. This has made the rich poor, but it will never make the poor rich. On the contrary, they were used only as blind instruments to make those leaders masters, first of the adverse party and then of the State. Thus the powers of the State were turned round into a direction exactly contrary to the proper one, not to preserve tranquillity and restrain violence, but to excite violence by the lure of power, and plunder, and vengeance. Thus all France has been, and still is, as much the prize of the ruling party as a captured ship; and if any right or possession has escaped confiscation, there is none that has not been liable to it.

Thus it clearly appears that, in its origin, its character, and its means, the government of that country is revolutionary; that is, not only different from, but directly contrary to, every regular and well-ordered society. It is a danger similar in its kind and at least equal in degree to that with which ancient Rome menaced her enemies. The

allies of Rome were slaves; and it cost some hundred years' efforts of her policy and arms to make her enemies her allies. Nations at this day can trust no better to treaties; they cannot even trust to arms, unless they are used with a spirit and perseverance becoming the magnitude of their danger. For the French Revolution has been, from the first, hostile to all right and justice, to all peace and order in society; and therefore its very existence has been a state of warfare against the civilized world, and most of all against free and orderly republics, for such are never without factions ready to be the allies of France and to aid her in the work of destruction. Accordingly, scarcely any but republics have they subverted. Such governments, by showing in practice what republican liberty is, detect French imposture and show what their pretexts are not.

To subvert them, therefore, they had, besides the facility that faction affords, the double excitement of removing a reproach and converting their greatest obstacles into their most efficient auxiliaries.

Who, then, on careful reflection, will be surprised that the French and their partisans instantly conceived the desire, and made the most powerful attempts, to revolutionize the American government? But it will hereafter seem strange that their excesses should be excused as the

effects of a struggle for liberty, and that so many of our citizens should be flattered, while they were insulted, with the idea that our example was copied and our principles pursued. Nothing was ever more false, or more fascinating. Our liberty depends on our education, our laws and habits, to which even prejudices yield, on the dispersion of our people on farms, and on the almost equal diffusion of property; it is founded on morals and religion, whose authority reigns in the heart, and on the influence all these produce on public opinion, before that opinion governs rulers. Here liberty is restraint; there it is violence. Here it is mild and cheering, like the morning sun of our summer, brightening the hills and making the valleys green; there it is like the sun when its rays dart pestilence on the sands of Africa. American liberty calms and restrains the licentious passions, like an angel that says to the winds and troubled seas "Be still!" But how has French licentiousness appeared to the wretched citizens of Switzerland and Venice? Do not their haunted imaginations, even when they wake, represent her as a monster, with eyes that flash wildfire, hands that hurl thunderbolts, a voice that shakes the foundations of the hills? She stands, and her ambition measures the earth; she speaks, and an epidemic fury seizes the nations.

Experience is lost upon us if we deny that it had seized a large part of the American nation. It is as sober and intelligent, as free, and as worthy to be free, as any in the world; yet, like all other people, we have passions and prejudices, and they had received a violent impulse which, for the time, misled us.

Jacobinism had become here, as in France, rather a sect than a party, inspiring a fanaticism that was equally intolerant and contagious. The delusion was general enough to be thought the voice of the people, therefore, claiming authority without proof, and jealous enough to exact acquiescence without a murmur of contradiction. Some progress was made in training multitudes to be vindictive and ferocious. To them nothing seemed amiable but the revolutionary justice of Paris, nothing terrible but the government and justice of America. The very name of patriots was claimed and applied in proportion as the citizens had alienated their hearts from America and transferred their affections to their foreign corrupter. Party discerned its intimate connection of interest with France, and consummated its profligacy by yielding to foreign influence.

The views of these allies required that this country should engage in war with Great Britain. Nothing less would give to France all the means of annoying this dreaded rival; nothing less

would insure the subjection of America as a satellite to the ambition of France; nothing else could make a revolution here perfectly inevitable.

For this end, the minds of the citizens were artfully inflamed, and the moment was watched and impatiently waited for when their long-heated passions should be in fusion, to pour them forth, like the lava of a volcano, to blacken and consume the peace and government of our country.

The systematic operations of a faction under foreign influence had begun to appear, and were successfully pursued, in a manner too deeply alarming to be soon forgotten. Who of us does not remember this worst of evils in this worst of ways? Shame would forget, if it could, that in one of the States amendments were proposed to break down the Federal Senate, which, as in the State governments, is a great bulwark of the public order. To break down another, an extravagant judiciary power was claimed for States. In another State a rebellion was fomented by the agent of France; and who, without fresh indignation, can remember that the powers of government were openly usurped, troops levied, and ships fitted out to fight for her? Nor can any true friend to our government consider without dread that, soon afterwards, the treaty-making power was boldly challenged for a branch of the government from which the Constitution had wisely withholden it.

I am oppressed, and know not how to proceed with my subject. Washington, blessed be God, who endowed him with wisdom and clothed him with power! — Washington issued his proclamation of neutrality, and at an early period arrested the intrigues of France and the passions of his countrymen on the very edge of the precipice of war and revolution.

This act of firmness, at the hazard of his reputation and peace, entitles him to the name of the first of patriots. Time was gained for the citizens to recover their virtue and good sense, and they soon recovered them. The crisis was passed, and America was saved.

You and I, most respected fellow-citizens, should be sooner tired than satisfied in recounting the particulars of this illustrious man's life.

How great he appeared while he administered the government, how much greater when he retired from it, how he accepted the chief military command under his wise and upright successor, how his life was unspotted like his fame, and how his death was worthy of his life, are so many distinct subjects of instruction, and each of them singly more than enough for an eulogium. I leave the task, however, to history and to posterity ; they will be faithful to it.

It is not impossible that some will affect to consider the honors paid to this great patriot by the

nation as excessive, idolatrous, and degrading to freemen, who are all equal. I answer that refusing to virtue its legitimate honors would not prevent their being lavished in future on any worthless and ambitious favorite. If this day's example should have its natural effect, it will be salutary. Let such honors be so conferred only when, in future, they shall be so merited ; then the public sentiment will not be misled, nor the principles of a just equality corrupted. The best evidence of reputation is a man's whole life. We have now, alas ! all Washington's before us. There has scarcely appeared a really great man whose character has been more admired in his lifetime, or less correctly understood by his admirers. When it is comprehended, it is no easy task to delineate its excellencies in such a manner as to give to the portrait both interest and resemblance ; for it requires thought and study to understand the true ground of the superiority of his character over many others, whom he resembled in the principles of action and even in the manner of acting. But perhaps he excels all the great men that ever lived in the steadiness of his adherence to his maxims of life and in the uniformity of all his conduct to the same maxims. These maxims, though wise, were yet not so remarkable for their wisdom as for their authority over his life ; for if there were any errors in his judgment,—and he discovered as few as any man,—we know of no

blemishes in his virtue. He was the patriot without reproach ; he loved his country well enough to hold his success in serving it as an ample recompense. Thus far self-love and love of country coincided ; but when his country needed sacrifices that no other man could make, or perhaps would be willing to make, he did not even hesitate. This was virtue in its most exalted character. More than once he put his fame at hazard when he had reason to think it would be sacrificed, at least in this age. Two instances cannot be denied : when the army was disbanded, and again when he stood, like Leonidas at the Pass of Thermopylæ, to defend our independence against France.

It is, indeed, almost as difficult to draw his character as the portrait of virtue. The reasons are similar : our ideas of moral excellence are obscure, because they are complex, and we are obliged to resort to illustrations. Washington's example is the happiest to show what virtue is ; and, to delineate his character, we naturally expatiate on the beauty of virtue ; much must be felt and much imagined. His preëminence is not so much to be seen in the display of any one virtue as in the possession of them all and in the practice of the most difficult. Hereafter, therefore, his character must be studied before it will be striking; and then it will be admitted as a model, a precious one to a free republic.

It is not less difficult to speak of his talents.

They were adapted to lead, without dazzling, mankind, and to draw forth and employ the talents of others, without being misled by them. In this he was certainly superior, that he neither mistook nor misapplied his own. His great modesty and reserve would have concealed them, if great occasions had not called them forth ; and then, as he never spoke from the affectation to shine nor acted from any sinister motives, it is from their effects only that we are to judge of their greatness and extent. In public trusts, where men, acting conspicuously, are cautious, and in those private concerns, where few conceal or resist their weaknesses, Washington was uniformly great, pursuing right conduct from right maxims. His talents were such as assist a sound judgment and ripen with it. His prudence was consummate, and seemed to take the direction of his powers and passions ; for, as a soldier, he was more solicitous to avoid mistakes that might be fatal than to perform exploits that are brilliant, and, as a statesman, to adhere to just principles, however old, than to pursue novelties ; and therefore, in both characters, his qualities were singularly adapted to the interests and were tried in the greatest perils of the country. His habits of inquiry were so far remarkable that he was never satisfied with investigation nor desisted from it so long as he had less than all the light that he could obtain upon a subject, and then he made his decision without bias.

This command over the partialities that so generally stop men short, or turn them aside, in their pursuit of truth is one of the chief causes of his unvaried course of right conduct in so many difficult scenes, where every human actor must be presumed to err. If he had strong passions, he had learned to subdue them and to be moderate and mild. If he had weaknesses, he concealed them, which is rare, and excluded them from the government of his temper and conduct, which is still more rare. If he loved fame, he never made improper compliances for what is called popularity. The fame he enjoyed is of the kind that will last forever ; yet it was rather the effect than the motive of his conduct. Some future Plutarch will search for a parallel to his character. Epaminondas is, perhaps, the brightest name of all antiquity. Our Washington resembled him in the purity and ardor of his patriotism, and, like him, he first exalted the glory of his country. There, it is to be hoped, the parallel ends ; for Thebes fell with Epaminondas. But such comparisons cannot be pursued far without departing from the similitude. For we shall find it as difficult to compare great men as great rivers ; some we admire for the length and rapidity of their current and the grandeur of their cataracts ; others, for the majestic silence and fulness of their streams ; we cannot bring them together to measure the difference

of their waters. The unambitious life of Washington, declining fame yet courted by it, seemed like the Ohio to choose its long way through solitudes, diffusing fertility ; or like his own Potomac, widening and deepening his channel as he approaches the sea, and displaying most the usefulness and serenity of his greatness towards the end of his course. Such a citizen would do honor to any country. The constant veneration and affection of his country will show that it was worthy of such a citizen.

However his military fame may excite the wonder of mankind, it is chiefly by his civil magistracy that his example will instruct them. Great generals have arisen in all ages of the world, and perhaps most in those of despotism and darkness. In times of violence and convulsion, they rise, by the force of the whirlwind, high enough to ride in it and direct the storm. Like meteors, they glare on the black clouds with a splendor that, while it dazzles and terrifies, makes nothing visible but the darkness. The fame of heroes is indeed growing vulgar ; they multiply in every long war ; they stand in history, and thicken in their ranks, almost as undistinguished as their own soldiers.

But such a chief magistrate as Washington appears like the Pole Star in a clear sky to direct the skilful statesman. His presidency will form an epoch, and be distinguished as the Age of Wash-

ington. Already it assumes its high place in the political region. Like the Milky Way, it whitens along its allotted portion of the hemisphere. The latest generations of men will survey, through the telescope of history, the space where so many virtues blend their rays, and delight to separate them into groups and distinct virtues. As the best illustration of them—the living monument, to which the first of patriots would have chosen to consign his fame—it is my earnest prayer to Heaven that our country may subsist, even to that late day, in the plenitude of its liberty and happiness, and mingle its mild glory with Washington's.

THOMAS JEFFERSON

Thomas Jefferson was born in Albemarle County, Virginia, in 1743. He graduated from William and Mary College in 1760, and in 1767 began the practice of law. In 1769 he was elected to the Virginia House of Burgesses, where he remained until 1775, when he became a member of the Continental Congress. He was one of the Committee of Five appointed to prepare a Declaration of Independence, and at the request of the Committee Jefferson drafted the document, which was accepted with slight amendments. In 1779 he was elected Governor of Virginia by the Legislature. In 1783 he was chosen as delegate to Congress, and in 1785 was appointed minister to France. He returned to his native country in 1789, and was at once appointed Secretary of State. In 1793 he resigned his office and retired to his home, but in 1796 he was elected as Vice-President, and in 1800 he was his party's nominee for the Presidency. The electoral college was equally divided between Jefferson and Aaron Burr, but the former was elected by the House of Representatives on the thirty-sixth ballot, and took his seat in the following March. He was reëlected in 1804, and on the expiration of his term finally retired from public life. He died July 4, 1826.

Jefferson was not noted as an orator, and his speeches at his inaugurations are the only ones recorded. Yet there is in these sufficient to show that he was gifted by nature with no mean powers as a speaker, had events called for eloquence on his part.

The Writings of Thomas Jefferson, issued by the Government in nine volumes, are comprehensive and valuable. The best biography is that by Morse (New York, 1883).

FIRST INAUGURAL ADDRESS

Jefferson.

On March 4, 1801, Mr. Jefferson was formally inaugurated as President of the United States, and on that occasion delivered the address which follows. It is valuable as an example of the style of the author of the Declaration of Independence, and its stately diction and clear exposition make it both pleasant and profitable reading at the present day.

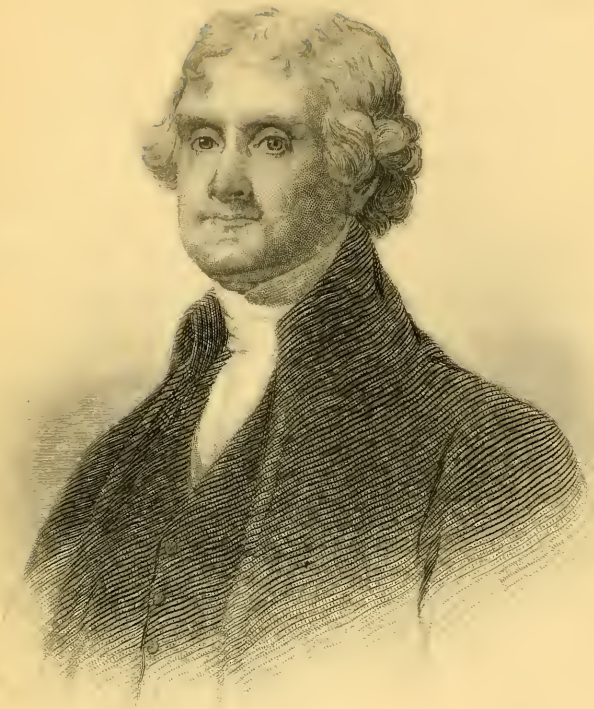
FRIENDS and fellow-citizens: Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye — when I

contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see remind me that in the other high authorities provided by our Constitution I shall find resources of wisdom, of virtue, and of zeal on which to rely under all difficulties. To you then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but, this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will of course arrange themselves under the will of the law and unite in common efforts for the common good. All, too, will bear in mind this sacred principle that though the will of the majority is in all cases to prevail, that will, to be

Thomas Jefferson

After the painting by G. Stuart



Th Jefferson

rightful, must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate which would be oppression. Let us then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore, that this should be more felt and feared by some and less by others, and should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I

know, indeed, that some honest men fear that a republican government cannot be strong, that this government is not strong enough ; but would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer this question.

Let us then with courage and confidence pursue our own Federal and Republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe ; too high-minded to endure the degradations of the others ; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation ; entertaining a due sense of our equal right to the

use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting, not from birth, but from our actions and their sense of them ; enlightened by a benign religion, professed, indeed, and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man ; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter — with all these blessings, what more is necessary to make us a happy and a prosperous people ? Still one thing more, fellow-citizens : a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle but not all its limitations :

equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burthened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion; freedom of the press; and freedom of person under the

protection of the habeas corpus, and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose preëminent services had entitled him to the first place in his country's love and destined him for the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often

be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional, and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past, and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity !

WILLIAM WIRT

William Wirt was born at Bladensburg, Maryland, in 1772. He received a good classical education, and began his career as a lawyer at Culpeper Court House, Virginia. He removed to Richmond in 1799, and was made clerk of the House of Delegates. In 1807 he was retained to assist the United States Attorney in the prosecution of Aaron Burr, and his address upon that occasion greatly added to his fame as an orator. In 1808, Wirt became a member of the Virginia House of Delegates, but served only a short time. In 1817 he was appointed Attorney-General of the country, holding this office until 1829. He was a candidate for the Presidency in 1832, but was unsuccessful, and died at Washington in 1834.

Wirt was somewhat florid in style, but his sentences were often full of real beauty. As he grew older, he repressed his tendency toward overelaboration, and his reasoning became close and cogent. He was felicitous in quotation, and his fine presence aided him to become the most popular orator of his day.

Wirt's best-known works are the *Letters of the British Spy* and the *Sketches of the Life and Character of Patrick Henry*. His own life has been written by Kennedy (2 vols., Phila., 1849).

AGAINST AARON BURR

[Selection.] *Wirt.*

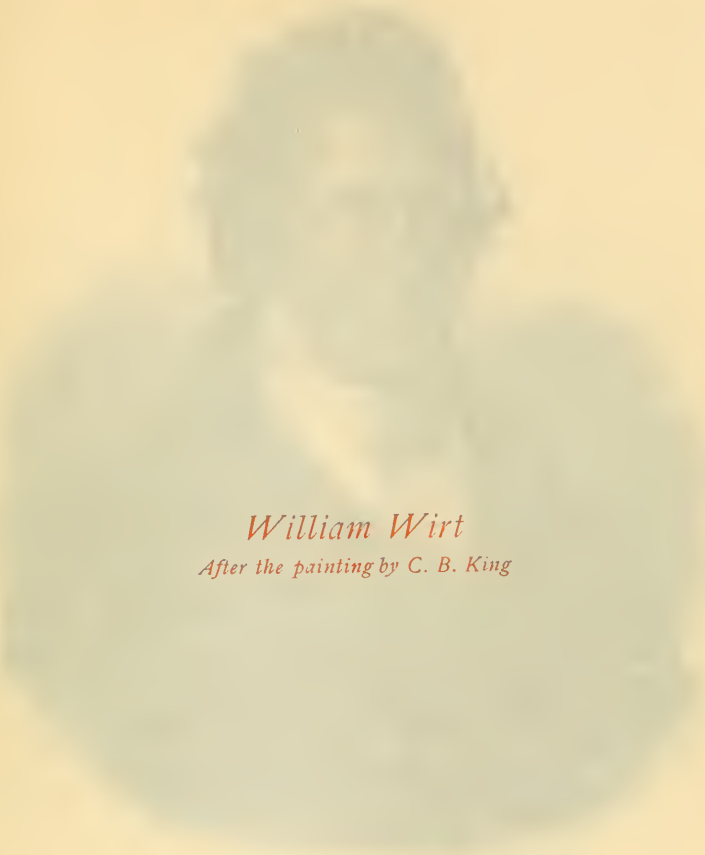
The trial of Aaron Burr for treason took place at Richmond, Virginia, in 1807. It lasted in all six months, and Wirt's conduct of the case for the prosecution was an admirable example of legal acumen and eloquence. Although the prisoner was enlarged, Wirt was considered to have had the better of the battle, and his speech at the trial was for many years quoted in all discussions upon the merits of oratory. It was undoubtedly a masterly effort, and the selection presented below will show its merits of powerful and glowing imagery and sequent and convincing reasoning.

LET us put the case between Burr and Blennerhassett. Let us compare the two men and settle this question of precedence between them. It may save us a good deal of troublesome ceremony hereafter.

Who Aaron Burr is, we have seen in part already. I will add that, beginning his operations in New York, he associates with him men whose wealth is to supply the necessary funds. Possessed of the mainspring, his personal labor contrives all the machinery. Pervading the continent from New York to New Orleans, he draws into his plan, by every allurement which he can contrive, men of all ranks and descriptions. To youthful

ardor he presents danger and glory ; to ambition, rank and titles and honors ; to avarice, the mines of Mexico. To each person whom he addresses he presents the object adapted to his taste. His recruiting officers are appointed. Men are engaged throughout the continent. Civil life is indeed quiet upon its surface, but in its bosom this man has contrived to deposit the materials which, with the slightest touch of his match, produce an explosion to shake the continent. All this his restless ambition has contrived ; and in the autumn of 1806 he goes forth for the last time to apply this match. On this occasion he meets with Blennerhassett.

Who is Blennerhassett ? A native of Ireland, a man of letters, who fled from the storms of his own country to find quiet in ours. His history shows that war is not the natural element of his mind. If it had been, he never would have exchanged Ireland for America. So far is an army from furnishing the society natural and proper to Mr. Blennerhassett's character that, on his arrival in America, he retired even from the population of the Atlantic States, and sought quiet and solitude in the bosom of our western forest. But he carried with him taste and science and wealth ; and lo, the desert smiled ! Possessing himself of a beautiful island in the Ohio, he rears upon it a palace, and decorates it with every romantic em-



William Wirt

After the painting by C. B. King

Wm. Wirt Patto Gal U.S.

bellishment of fancy. A shrubbery that Shenstone might have envied blooms around him. Music that might have charmed Calypso and her nymphs is his. An extensive library spreads its treasures before him. A philosophical apparatus offers to him all the secrets and mysteries of nature. Peace, tranquillity, and innocence shed their mingled delights around him. And to crown the enchantment of the scene, a wife, who is said to be lovely even beyond her sex and graced with every accomplishment that can render it irresistible, had blessed him with her love and made him the father of several children. The evidence would convince you that this is but a faint picture of the real life. In the midst of all this peace, this innocent simplicity, and this tranquillity, this feast of the mind, this pure banquet of the heart, the destroyer comes; he comes to change this paradise to a hell. Yet the flowers do not wither at his approach. No monitory shuddering through the bosom of their unfortunate possessor warns him of the ruin that is coming upon him. A stranger presents himself. Introduced to their civilities by the high rank which he had lately held in his country, he soon finds his way to their hearts by the dignity and elegance of his demeanor, the light and beauty of his conversation, and the seductive and fascinating power of his address. The conquest was not difficult. Innocence is

ever simple and credulous. Conscious of no design itself, it suspects none in others. It wears no guard before its breast. Every door, and portal, and avenue of the heart is thrown open, and all who choose it enter. Such was the state of Eden when the serpent entered its bowers. The prisoner, in a more engaging form, winding himself into the open and unpractised heart of the unfortunate Blennerhassett, found but little difficulty in changing the native character of that heart and the objects of its affection. By degrees he infuses into it the poison of his own ambition. He breathes into it the fire of his own courage ; a daring and desperate thirst for glory ; an ardor panting for great enterprises, for all the storm and bustle and hurricane of life. In a short time the whole man is changed, and every object of his former delight is relinquished. No more he enjoys the tranquil scene ; it has become flat and insipid to his taste. His books are abandoned. His retort and crucible are thrown aside. His shrubbery blooms and breathes its fragrance upon the air in vain ; he likes it not. His ear no longer drinks the rich melody of music ; it longs for the trumpet's clangor and the cannon's roar. Even the prattle of his babes, once so sweet, no longer affects him ; and the angel smile of his wife, which hitherto touched his bosom with ecstasy so unspeakable, is now unseen and unfelt. Greater objects have

taken possession of his soul. His imagination has been dazzled by visions of diadems, of stars and garters, and titles of nobility. He has been taught to burn with restless emulation at the names of great heroes and conquerors. His enchanted island is destined soon to relapse into a wilderness; and in a few months we find the beautiful and tender partner of his bosom, whom he lately "permitted not the winds of 'summer' to visit too roughly"—we find her shivering at midnight on the wintry banks of the Ohio, and mingling her tears with the torrents that froze as they fell. Yet this unfortunate man, thus deluded from his interest and his happiness, thus seduced from the paths of innocence and peace, thus confounded in the toils that were deliberately spread for him, and overwhelmed by the mastering spirit and genius of another—this man, thus ruined and undone, and made to play a subordinate part in this grand drama of guilt and treason—this man is to be called the principal offender, while he by whom he was thus plunged in misery is comparatively innocent, a mere accessory! Is this reason? Is it law? Is it humanity? Sir, neither the human heart nor the human understanding will bear a perversion so monstrous and absurd, so shocking to the soul, so revolting to reason! Let Aaron Burr, then, not shrink from the high destination which he has courted, and, having

already ruined Blennerhassett in fortune, character, and happiness forever, let him not attempt to finish the tragedy by thrusting that ill-fated man between himself and punishment.

Upon the whole, Sir, reason declares Aaron Burr the principal in this crime, and confirms herein the sentence of the law ; and the gentleman, in saying that his offence is of a derivative and accessorial nature, begs the question, and draws his conclusions from what, instead of being conceded, is denied. It is clear from what has been said that Burr did not derive his guilt from the men of the island, but imparted his own guilt to them ; that he is not an accessory, but a principal ; and, therefore, that there is nothing in the objection which demands a record of their conviction before we shall go on with our proof against him.

But suppose you should think otherwise ; suppose you were of opinion that, on principles of law and reason, notwithstanding the seeming injustice and inhumanity of considering him as inferior in guilt to them, Aaron Burr was not a principal, but an accessorial offender in the treason : would you, for that reason, stop the evidence from going to the jury ? Now, to inquire whether the conduct of Aaron Burr makes him liable as a principal or accessory is only arguing in a different shape the whole question, whether he has committed an overt act of war or not. The jury are to

consult and decide whether he be a principal offender or not. Whether he be a principal or accessory is a question of fact, which they are sworn to decide. The Court must judge of the weight of evidence before it can say that the accused is either a principal or accessory. Suppose one part of the evidence contradicts another. Is it not judging of the weight of evidence to decide whether he be a principal or accessory? If it be not, I know not what judging of the weight of evidence is. Nothing is more peculiarly within the exclusive province of the jury than the sufficiency or insufficiency of the evidence.

But the Court never says that the evidence is or is not sufficient to prove what it is intended to establish. No Court has such right. The course in such cases is to give instructions in a general charge to the jury, after all the evidence shall have been heard. Will you, because of your impressions on this subject, from a merely partial view of the evidence, compel the jury also to decide on that necessarily partial view? If you do, do you not thereby divest the jury of their peculiar functions? Their province should not be invaded. The invasion is big with danger and terror. I trust that you will see this subject in the awful light in which it really stands, and that you will suffer the trial to take its natural course.

Mr. Martin has referred you to a number of cases

from Cooper and other authors, but they do not prove the position intended. The Court, in all these cases, leaves the jury to decide on the overt act. You will find those cases to amount to simply this : a dialogue between the Court and the counsel of the prisoner as to the overt act. The Court was required to say whether the overt act were proved or not. There was no judicial determination. The judge merely told his opinion ; but he told the jury, at the same time, that the decision belonged to them and not to him.

There is a wide difference between criminal and civil cases ; and as it is of much more importance to preserve the trial by jury in the former, to protect the lives of the people against unjust persecutions, than, in mere civil suits, to preserve the rights of property, the Constitution has secured that trial in all criminal prosecutions.

Should the Court interfere for the purpose of stopping the evidence, and to wrest the cause from the jury in favor of the accused, would there not be a reciprocal right ? If it can interfere to save the prisoner, can they not interfere equally against him ?—a thing unprecedented in the annals of jurisprudence ! Have the counsel on either side a right to call on the other side to state all their evidence before it be introduced, and then to address the Court without hearing it, if they think they have a better chance before the Court than the jury ?

Has either party a right to substitute the Court for the jury, or the jury for the Court, at pleasure; to address the Court on facts, or the jury on points of law? Such an attempt would not be a greater encroachment on the right of the proper tribunal than the present motion is on the rights of the jury.

HENRY CLAY

Henry Clay was born in Virginia in 1777. His youth was one of vicissitudes, but he finally obtained some education, and was admitted to the bar in 1797. He then removed to Lexington, Kentucky, where he soon gained a large and lucrative practice. In 1803 he was made a member of the State Legislature, and in 1806 was sent to the United States Senate to fill the unexpired term of General Adair, who had resigned his seat. Clay, in the short time of his service, made himself prominent as a statesman and orator, and in 1809, having in the interim served as Speaker of the State Legislature, he was again elected to the Senate. In 1811 he was sent to the House of Representatives, and was at once chosen as Speaker. With the exception of a short absence on a diplomatic mission, he continued in office until 1820, when he declined reëlection and for a time retired to private life. He reëntered Congress in 1823, being again elected Speaker, but upon the election of Mr. Adams to the Presidency, for which Clay had been a candidate, Clay was appointed Secretary of State. He retired from this position in 1829, and in 1831 was again sent to the Senate. Here he remained until 1842, when he retired from political life. In 1849, however, he was persuaded to accept reëlection as a Senator, and filled that position until his death in 1852.

Clay was one of the greatest of American orators. His education was not of the first order, and this militated against his success, but his natural ability overcame this disadvantage. His personal integrity gave force to his words. His vocabulary was not extensive, but he made excellent use of it, and his combinations of words often rose to the dignity and grace of poetry.

There are many excellent biographies of Clay. Those which are most comprehensive and interesting are *Life of*

Henry Clay, by George D. Prentice (1831) ; *Life of Henry Clay,* by Epes Sargent (edited and completed by Horace Greeley, 1852) ; *Life and Speeches of Henry Clay,* by Rev. Calvin Colton (6 vols., revised ed., 1864) ; and *Henry Clay,* by Carl Schurz (2 vols., 1887).

ON THE INCREASE OF THE NAVY

Clay.

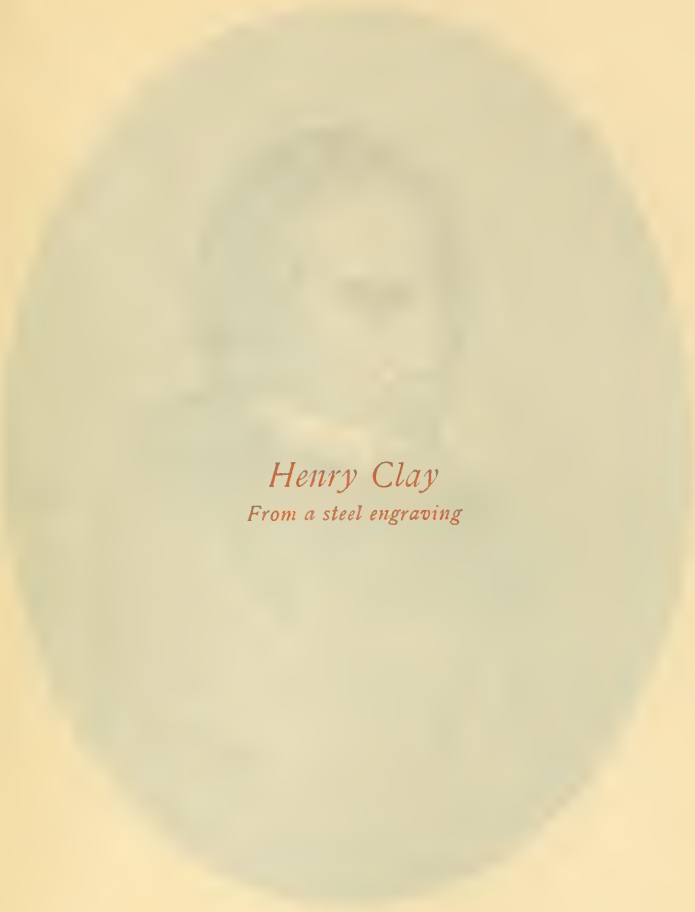
The following speech was delivered on the occasion of the debate as to increasing the naval forces of America by building ten new frigates. A collision with England was imminent, and the need of new vessels was apparent, yet the motion to strike out the clause directing the building of these vessels was lost only by the small majority of five in a vote of ninety-nine. Clay's speech undoubtedly was a factor in the victory of his party, and is interesting both as a specimen of his earlier style and as showing the early feeling upon a topic which has always been of importance in the United States and has called forth perennial discussion. The reference to Cuba and Spain is also, in the light of subsequent events, of interest.

AS I do not precisely agree in opinion with any gentleman who has spoken, I shall take the liberty of detaining the committee a few moments while I offer to their attention some observations. I am highly gratified with the temper and ability with which the discussion has hitherto been conducted. It is honorable to the House, and, I trust, will continue to be manifested on many future occasions.

On this interesting topic a diversity of opinion has existed almost ever since the adoption of the present government. On the one hand, there appear to me to have been attempts made to

precipitate the nation into all the evils of naval extravagance, which have been productive of so much mischief in other countries; and, on the other, strongly feeling this mischief, there has existed an unreasonable prejudice against providing such a competent naval protection for our commercial and maritime rights as is demanded by their importance, and as the increased resources of the country amply justify.

The attention of Congress has been invited to this subject by the President, in his message delivered at the opening of the session. Indeed, had it been wholly neglected by the Chief Magistrate, from the critical situation of the country and the nature of the rights proposed to be vindicated, it must have pressed itself upon our attention. But the President in his message observes: "Your attention will, of course, be drawn to such provisions on the subject of our naval force as may be required for the service to which it is best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature or may not at once be attainable." The President, by this recommendation, clearly intimates an opinion that the naval force of this country is capable of producing effect; and the propriety of laying up imperishable materials was no doubt suggested for the purpose of making additions to



Henry Clay

From a steel engraving

the navy, as convenience and exigencies might direct.

It appears a little extraordinary that so much unreasonable jealousy should exist against the naval establishment. If we look back to the period of the formation of the Constitution, it will be found that no such jealousy was then excited. In placing the physical force of the nation at the disposal of Congress, the convention manifested much greater apprehension of abuse in the power given to raise armies than in that to provide a navy. In reference to the navy, Congress is put under no restrictions; but with respect to the army — that description of force which has been so often employed to subvert the liberties of mankind — they are subjected to limitations designed to prevent the abuse of this dangerous power. But it is not my intention to detain the committee by a discussion on the comparative utility and safety of these two kinds of force. I wish, however, to be indulged in saying that I think gentlemen have wholly failed in maintaining the position they assumed, that the fall of maritime powers is attributable to their navies. They have told us, indeed, that Carthage, Genoa, Venice, and other nations, had navies, and notwithstanding were finally destroyed. But have they shown by a train of argument that their overthrow was in any degree attributable to their maritime greatness?

Have they attempted even to show that there exists in the nature of this power a necessary tendency to destroy the nation using it? Assertion is substituted for argument; inferences not authorized by historical facts are arbitrarily drawn; things wholly unconnected with each other are associated together—a very logical mode of reasoning, it must be admitted! In the same way I could demonstrate how idle and absurd our attachments are to freedom itself. I might say, for example, that Greece and Rome had forms of free government, and that they no longer exist; and, deducing their fall from their devotion to liberty, the conclusion in favor of despotism would very satisfactorily follow! I demand what there is in the nature and construction of maritime power to excite the fears that have been indulged. Do gentlemen really apprehend that a body of seamen will abandon their proper element, and, placing themselves under an aspiring chief, will erect a throne to his ambition? Will they deign to listen to the voice of history and learn how chimerical are their apprehensions?

But the source of alarm is in ourselves. Gentlemen fear that, if we provide a marine, it will produce collisions with foreign nations, plunge us into war, and ultimately overturn the Constitution of the country. Sir, if you wish to avoid foreign collision, you had better abandon the ocean,

surrender all your commerce, give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels of that statesman be deemed wise who would recommend that the nation should be unarmed; that the art of war, the martial spirit, and martial exercises should be prohibited; who should declare, in the language of Othello, that the nation must bid "farewell to the neighing steed, and the shrill trump, the spirit-stirring drum, the ear-piercing fife, and all the pride, pomp, and circumstance of glorious war," and that the great body of the people should be taught that the national happiness was to be found in a perpetual peace alone? No, Sir. And yet every argument in favor of a power of protection on land applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce; and, if we wish to invite the continuance of the old or the enactment of new edicts, let us refrain from all exertion upon that element where we must operate, and where, in the end, they must be resisted.

For my part, I do not allow myself to be alarmed by those apprehensions of maritime power which

appear to agitate other gentlemen. In the nature of our government I behold abundant security against abuse. I would be unwilling to tax the land to support the rights of the sea, and am for drawing from the sea itself the resources with which its violated freedom should at all times be vindicated. Whilst this principle is adhered to, there will be no danger of running into the folly and extravagance which so much alarm gentlemen; and whenever it is abandoned — whenever Congress shall lay burdensome taxes to augment the navy beyond what may be authorized by the increase of wealth and demanded by the exigencies of the country — the people will interpose, and, removing their unworthy representatives, apply the appropriate corrective. For these reasons I can see no just ground of dread in the nature of naval power. It is, on the contrary, free from the evils attendant upon standing armies. And the genius of our institutions — the great representative principle, in the practical enjoyment of which we are so eminently distinguished — affords the best guaranty against the ambition and wasteful extravagance of government.

What maritime strength is it expedient to provide for the United States? In considering this subject, three different degrees of naval power present themselves. In the first place, such a force as would be capable of contending with

that which any other nation is able to bring on the ocean: a force that, boldly scouring every sea, would challenge to combat the fleets of other powers, however great. I admit it is impossible at this time — perhaps it never will be desirable — for this country to establish so extensive a navy. Indeed, I should consider it as madness in the extreme in this Government to attempt to provide a navy able to cope with the fleets of Great Britain, wherever they might be met.

The next species of naval power to which I will advert is that which, without venturing into distant seas, and keeping generally in our own harbors and on our coasts, would be competent to beat off any squadron which might be attempted to be permanently stationed in our waters. My friends from South Carolina have conclusively shown that, to effect this object, a force equivalent only to one third of that which the maintenance of such a squadron must require would be sufficient; that if, for example, England should determine to station permanently upon our coast a squadron of twelve ships of the line, it would require for this service thirty-six ships of the line, one third in port repairing, one third on the passage, and one third on the station. But that is a force which it has been shown that even England, with her boasted navy, could not spare for the American service whilst she is engaged

in the present contest. I am desirous of seeing such a force as I have described — that is, twelve ships of the line and fifteen or twenty frigates — provided for the United States; but I admit that it is unattainable in the present situation of the finances of the country. I contend, however, that it is such a force as Congress ought to set about providing, and I hope in less than ten years to see it actually established. I am far from surveying the vast maritime power of Great Britain with the desponding eye with which other gentlemen behold it. I cannot allow myself to be discouraged at a prospect of even her thousand ships. This country only requires resolution and a proper exertion of its immense resources to command respect and to vindicate every essential right. When we consider our remoteness from Europe, the expense, difficulty, and perils to which any squadron would be exposed while stationed off our coasts, there can be no doubt that the force to which I have referred would ensure the command of our own seas. Such a force would avail itself of our extensive seaboard and numerous harbors, everywhere affording asylums to which it could safely retire from a superior fleet or from which it could issue for the purpose of annoyance. To the opinion of my colleague, who appears to think that it is vain for us to make any struggle on the ocean, I would oppose the sentiments of his dis-

tinguished connection, the heroic Daviess, who fell in the battle of Tippecanoe.

The third description of force worthy of consideration is that which would be able to prevent any single vessel, of whatever metal, from endangering our whole coasting trade, blocking up our harbors, and laying under contribution our cities ; a force competent to punish the insolence of the commander of any single ship, and to preserve in our own jurisdiction the inviolability of our peace and our laws. A force of this kind is entirely within the compass of our means at this time. Is there a reflecting man in the nation who would not charge Congress with a culpable neglect of its duty if, for the want of such a force, a single ship were to bombard one of our cities ? Would not every honorable member of the committee inflict on himself the bitterest reproaches if, by failing to make an inconsiderable addition to our little gallant navy, a single British vessel should place New York under contribution ? Yes, Sir, when the city is in flames, its wretched inhabitants begin to repent of their neglect in not providing engines and water-buckets. If we are not able to meet the wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our way ? Because we cannot guard against every possible danger, shall we provide against none ? I hope not. I hardly expected that the instructing but

humiliating lesson was so soon to be forgotten which was taught us in the murder of Pierce, the attack on the Chesapeake, and the insult offered in the very harbor of Charleston, which the brave old fellow who commanded the fort in vain endeavored to chastise. It is a rule with me, when acting either in a public or private character, to attempt nothing more than what there exists a prospect of accomplishing. I am therefore not in favor of entering into any mad projects on this subject, but for deliberately and resolutely pursuing what I believe to be within the power of the Government. Gentlemen refer to the period of 1798, and we are reminded of the principles maintained by the opposition at that time. I have no doubt of the correctness of that opposition. The naval schemes of that day were premature, not warranted by the resources of the country, and were contemplated for an unnecessary war into which the nation was about to be plunged. I have always admired and approved the zeal and ability with which that opposition was conducted by the distinguished gentleman now at the head of the Treasury. But the state of things is totally altered. What was folly in 1798 may be wisdom now. At that time we had a revenue only of about six millions. Our revenue now, upon a supposition that commerce is restored, is about sixteen millions. The population of the country, too, is greatly increased,—nearly

doubled,—and the wealth of the nation is perhaps tripled. Whilst our ability to construct a navy is thus enhanced, the necessary maritime protection is proportionally augmented. Independent of the extension of our commerce, since the year 1798 we have had an addition of more than five hundred miles to our coast, from the bay of Perdido to the mouth of the Sabine—a weak and defenceless accession, requiring more than any other part of our frontier the protecting arm of government.

The groundless imputation that those who are friendly to a navy are espousing a principle inimical to freedom shall not terrify me. I am not ashamed when in such company as the illustrious author of the *Notes on Virginia,* whose opinion on the subject of a navy, contained in that work, contributed to the formation of my own. But the principle of a navy is no longer open to controversy. It was decided when Mr. Jefferson came into power. With all the prejudices against a navy which are alleged by some to have been then brought into the Administration—with many honest prejudices, I admit—the rash attempt was not made to destroy the establishment. It was reduced to only what was supposed to be within the financial capacity of the country. If, ten years ago, when all those prejudices were to be combated, even in time of peace, it was deemed proper by the then Administration to retain in service ten

frigates, I put it to the candor of gentlemen to say if now, when we are on the eve of a war, and taking into view the actual growth of the country and the acquisition of our coast on the Gulf of Mexico, we ought not to add to the establishment.

I have hitherto alluded more particularly to the exposed situation of certain parts of the Atlantic frontier. Whilst I feel the deepest solicitude for the safety of New York and other cities on the coast, I would be pardoned by the committee for referring to the interests of that section of the Union from which I come. If there be a point more than any other in the United States demanding the aid of naval protection, that point is the mouth of the Mississippi. What is the population of the Western country, dependent on this single outlet for its surplus productions? Kentucky, according to the last enumeration, has 405,511; Tennessee 261,727; and Ohio 230,760. And when the population of the western parts of Virginia and Pennsylvania and the territories which are drained by the Mississippi or its waters is added, it will form an aggregate equal to about one fifth of the whole population of the United States, resting all their commercial hopes upon this solitary vent. The bulky articles of which their surplus productions consist can be transported no other way. They will not bear the expense of a carriage up the Ohio and Tennessee and across

the mountains, and the circuitous voyage of the lakes is out of the question. Whilst most other States have the option of numerous outlets, so that if one be closed resort can be had to others, this vast population has no alternative. Close the mouth of the Mississippi, and their export trade is annihilated. I call the attention of my Western friends, especially my worthy Kentucky friends, from whom I feel myself with regret constrained to differ on this occasion, to the state of the public feeling in that quarter whilst the navigation of the Mississippi was withheld by Spain, and to the still more recent period when the right of depot was violated. The whole country was in commotion, and at the nod of Government would have fallen on Baton Rouge and New Orleans and punished the treachery of a perfidious government. Abandon all idea of protecting by maritime force the mouth of the Mississippi, and we shall have the recurrence of many similar scenes. We shall hold the inestimable right of the navigation of that river by the most precarious tenure. The whole commerce of the Mississippi, a commerce that is destined to be the richest that was ever borne by a single stream, is placed at the mercy of a single ship lying off the Balize! Again: the convulsions of the New World, still more perhaps than those of Europe, challenge our attention. Whether the ancient dynasty of Spain is still to

be upheld or subverted is extremely uncertain, if the bonds connecting the parent country with her colonies are not forever broken. What is to become of Cuba? Will it assert independence or remain the province of some European power? In either case, the whole trade of the Western country, which must pass almost within gunshot of Moro Castle, is exposed to danger. It is not, however, Cuba that I fear. I wish her independent. But suppose England gets possession of that valuable island. With Cuba on the south and Halifax on the north, and the consequent means of favoring or annoying commerce of particular sections of the country, I ask if the most sanguine among us would not tremble for the integrity of the Union? If, along with Cuba, Great Britain should acquire East Florida, she will have the absolute command of the Gulf of Mexico. Can gentlemen, particularly gentlemen from the Western country, contemplate such possible, nay, such probable events, without desiring to see at least the commencement of such a naval establishment as would effectually protect the Mississippi? I entreat them to turn their attention to the defenceless situation of the Orleans Territory and to the nature of its population. It is known that whilst under the Spanish government they experienced the benefit of naval security. Satisfy them that under the government of the United States

they will enjoy less protection, and you disclose the most fatal secret.

The general Government receives annually for the public lands about $600,000. One of the sources whence the Western people raise this sum is the exportation of the surplus productions of that country. Shut up the Mississippi, and this source is in a great measure dried up. But suppose this Government to look upon the occlusion of the Mississippi without making an effort on that element where alone it could be made successfully to remove the blockading force, and at the same time to be vigorously pressing payment for the public lands: I shudder at the consequences. Deep-rooted as I know the affections of the Western people to be to the Union,—and I will not admit their patriotism to be surpassed by any other quarter of the country,—if such a state of things were to last any considerable time I should seriously apprehend a withdrawal of their confidence. Nor, Sir, could we derive any apology for the failure to afford this protection from the want of materials for naval architecture. On the contrary, all the articles entering into the construction of a navy — iron, hemp, timber, pitch — abound in the greatest abundance on the waters of the Mississippi. Kentucky alone, I have no doubt, raised hemp enough the last year for the whole consumption of the United States.

If, as I conceive, gentlemen have been unsuccessful in showing that the downfall of maritime nations is ascribable to their navies, they have been more fortunate in showing, by the instances to which they have referred, that without a marine no foreign commerce could exist to any extent. It is the appropriate, the natural — if the term may be allowed — connection of foreign commerce. The shepherd and his faithful dog are not more necessary to guard the flock that browse and gambol on the neighboring mountain. I consider the prosperity of foreign commerce indissolubly allied to marine power. Neglect to provide the one, and you must abandon the other. Suppose the expected war with England is commenced ; you enter and subjugate Canada, and she still refuses to do you justice : what other possible mode will remain to operate on the enemy but upon that element where alone you can then come in contact with him ? And if you do not prepare to protect there your own commerce and to assail his, will he not sweep from the ocean every vessel bearing your flag and destroy even the coasting trade ? But from the arguments of gentlemen it would seem to be questioned if foreign commerce is worth the kind of protection insisted upon. What is this foreign commerce that has suddenly become so inconsiderable ? It has, with very trifling aid from

other sources, defrayed the expenses of government ever since the adoption of the present Constitution; maintained an expensive and successful war with the Indians; a war with the Barbary powers; a *quasi*-war with France; sustained the charges of suppressing two insurrections, and extinguished upwards of forty-six millions of the public debt. In revenue it has, since the year 1789, yielded one hundred and ninety-one millions of dollars. During the first four years after the commencement of the present government, the revenues averaged only about two millions annually; during a subsequent period of four years it rose to an average of fifteen millions annually, or became equivalent to a capital of two hundred and fifty millions of dollars at an interest of six per centum per annum. And if our commerce is reëstablished it will, in the course of time, net a sum for which we are scarcely furnished with figures in arithmetic. Taking the average of the last nine years — comprehending, of course, the season of the embargo — our exports average upwards of thirty-seven millions of dollars, which is equivalent to a capital of more than six hundred millions of dollars at six per centum interest, all of which must be lost in the event of a destruction of foreign commerce. In the abandonment of that commerce is also involved the sacrifice of our brave tars, who have engaged in the pursuit from

which they derive subsistence and support under the confidence that Government would afford them that just protection which is due to all. They will be driven into foreign employment, for it is vain to expect that they will renounce their habits of life.

The spirit of commercial enterprise, so strongly depicted by the gentleman from New York, is diffused throughout the country. It is a passion as unconquerable as any with which nature has endowed us. You may attempt indeed to regulate, but you cannot destroy it. It exhibits itself as well on the waters of the Western country as on the waters and shores of the Atlantic. I have heard of a vessel built at Pittsburgh having crossed the Atlantic and entering a European port — I believe that of Leghorn. The master of the vessel laid his papers before the proper custom officer, which, of course, stated the place of her departure. The officer boldly denied the existence of any such American port as Pittsburgh, and threatened a seizure of the vessel as being furnished with forged papers. The affrighted master procured a map of the United States and, pointing out the Gulf of Mexico, took the officer to the mouth of the Mississippi ; traced the course of the Mississippi more than a thousand miles to the mouth of the Ohio ; and, conducting him still a thousand miles higher, to the junction of the Al-

leghany and Monongahela — "There," he exclaimed, "stands Pittsburgh, the port from which I sailed!" The custom-house officer, prior to the production of this evidence, would have as soon believed that the vessel had performed a voyage from the moon.

In delivering the sentiments which I have expressed, I consider myself as conforming to a sacred constitutional duty. When the power to provide a navy was confided to Congress, it must have been the intention of the convention to submit only to the discretion of that body the period when that power should be exercised. That period has, in my opinion, arrived — at least for making a respectable beginning. And whilst I thus discharge what I conceive to be my duty, I derive great pleasure from the reflection that I am supporting a measure calculated to impart additional strength to our happy Union. Diversified as are the interests of its various parts, how admirably do they harmonize and blend together! We have only to make a proper use of the bounties spread before us to render us prosperous and powerful. Such a navy as I have contended for will form a new bond of connection between the States, concentrating their hopes, their interests, and their affections.

WILLIAM PINKNEY

William Pinkney was born at Annapolis, Maryland, in 1764. He began the practice of law in 1786, and in 1788 was a member of the Maryland Convention for the ratification of the Constitution. In the same year he was elected member of the House of Delegates of his State, holding this position until 1792. In 1806 he was sent, together with Mr. Monroe, on a mission to England, remaining in that country until 1811. He fought in the War of 1812, and was wounded at Bladensburg. He was Attorney-General of the United States from 1812 to 1814, and in 1815 was elected to Congress. In 1816 Pinkney was appointed Minister to Russia and Envoy to Naples, and he remained abroad in the former office until 1818. In 1820 he was chosen to represent his State in the United States Senate, serving until 1822, in which year he died.

Pinkney was rather florid in style, indulging in rhetoric to the peril of obscurity of his main thought. But he was also capable of earnest simplicity, and when concentrated upon a subject in which his interest was great, his logic was always close and his reasoning convincing.

The Life of Pinkney, by the Rev. Wm. Pinkney, is the best account of the life of the Maryland orator. Wheaton's biography is also of interest.

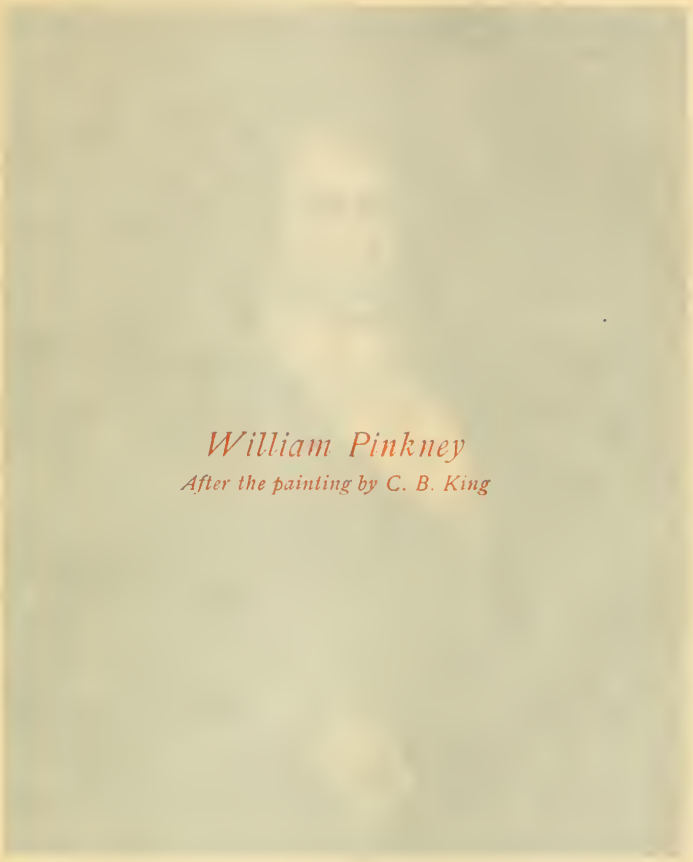
ON THE MISSOURI QUESTION

[Selection.] *Pinkney.*

The speech of William Pinkney on the Missouri Question, a selection from which is given, is undoubtedly the masterpiece of the distinguished speaker. Unfortunately, it was not preserved as a whole, although enough remains to show it as a remarkable piece of parliamentary oratory. The question as to the admission of Missouri as a State was a most important one, bearing directly upon the matter of slavery, and the future of the country depended upon its settlement. Pinkney's argument is as dignified as it is able, appealing rather to the principles of constitutional law, as he interpreted them, than to sectional interest or prejudice. He declined to recognize the connection of the question under discussion with that of the rightfulness of slavery, and based his argument upon the grounds of the true intent of the founders of the government. So great was the effect of his speech that Rufus King, his principal opponent, never answered it, and it is said that he remarked that while Mr. Pinkney was speaking he could not rid himself of the impression that he must himself be in the wrong — a tribute from an antagonist as flattering as it was generous.

BUT let us proceed to take a rapid glance at the reasons which have been assigned for this notion that involuntary servitude and a republican form of government are perfect antipathies. The gentleman from New Hampshire has defined a republican government to be that in which all the men participate in its powers and privileges: from whence it follows that where there are slaves it can have no existence. A definition is no proof, however; and even if it be dignified—as I think it

was—with the name of a maxim, the matter is not much mended. It is Lord Bacon who says that "nothing is so easily made as a maxim"; and certainly a definition is manufactured with equal facility. A political maxim is the work of induction, and cannot stand against experience, or stand on anything but experience. But this maxim, or definition, or whatever else it may be, sets fact at defiance. If you go back to antiquity, you will obtain no countenance for this hypothesis; and if you look at home you will gain less still. I have read that Sparta, and Rome, and Athens, and many others of the ancient family were republics. They were so in form undoubtedly — the last approaching nearer to a perfect democracy than any other government which has yet been known in the world. Judging of them also by their fruits, they were of the highest order of republics. Sparta could scarcely be any other than a republic, when a Spartan matron could say to her son just marching to battle, "Return victorious, or return no more." It was the unconquerable spirit of liberty, nurtured by republican habits and institutions, that illustrated the Pass of Thermopylæ. Yet slavery was not only tolerated in Sparta, but was established by one of the fundamental laws of Lycurgus, having for its object the encouragement of that very spirit. Attica was full of slaves; yet



William Pinkney

After the painting by C. B. King

the love of liberty was its characteristic. What else was it that foiled the whole power of Persia at Marathon and Salamis? What other soil than that which the genial sun of republican freedom illuminated and warmed could have produced such men as Leonidas and Miltiades, Themistocles and Epaminondas? Of Rome it would be superfluous to speak at large. It is sufficient to name the mighty mistress of the world, before Sylla gave the first stab to her liberties and the great dictator accomplished their final ruin, to be reminded of the practicability of union between civil slavery and an ardent love of liberty cherished by republican establishments.

If we return home for instruction upon this point, we perceive that same union exemplified in many a State, in which "Liberty has a temple in every house, an altar in every heart," while involuntary servitude is seen in every direction. Is it denied that those States possess a republican form of government? If it is, why does our power of correction sleep? Why is the constitutional guaranty suffered to be inactive? Why am I permitted to fatigue you, as the representative of a slaveholding State, with the discussion of the *nugæ canoræ*—for so I think them—that have been forced into this debate contrary to all the remonstrances of taste and prudence? Do gentlemen perceive the consequences to which their

arguments must lead if they are of any value? Do they reflect that they lead to emancipation in the old United States—or to an exclusion of Delaware, Maryland, and all the South, and a great portion of the West, from the Union? My honorable friend from Virginia has no business here, if this disorganizing creed be anything but the production of a heated brain. The State to which I belong must "perform a lustration"—must purge and purify herself from the feculence of civil slavery, and emulate the States of the North in their zeal for throwing down the gloomy idol which we are said to worship, before her Senators can have any title to appear in this high assembly. It will be in vain to urge that the old United States are exceptions to the rule—or rather, as the gentlemen express it, that they have no disposition to apply the rule to them. There can be no exceptions by implication only to such a rule, and expressions which justify the exemption of Missouri, unless they point exclusively to them, as I have shown they do not. The guarded manner, too, in which some of the gentlemen have occasionally expressed themselves on this subject is somewhat alarming. They have no disposition to meddle with slavery in the old United States. Perhaps not—but who shall answer for their successors? Who shall furnish a pledge that the principle, once engrafted into the Constitution, will not grow,

and spread, and fructify, and overshadow the whole land? It is the natural office of such a principle to wrestle with slavery, wheresoever it finds it. New States, colonized by the apostles of this principle, will enable it to set on foot a fanatical crusade against all who still continue to tolerate it, although no practicable means are pointed out by which they can get rid of it consistently with their own safety. At any rate, a present forbearing disposition, in a few or in many, is not a security upon which much reliance can be placed upon a subject as to which so many selfish interests and ardent feelings are connected with the cold calculations of policy. Admitting, however, that the old United States are in no danger from this principle—why is it so? There can be no other answer which these zealous enemies of slavery can use than that the Constitution recognizes slavery as existing or capable of existing in those States. The Constitution, then, admits that slavery and a republican form of government are not incongruous. It associates and binds them up together, and repudiates this wild imagination which the gentlemen have pressed upon us with such an air of triumph. But the Constitution does more, as I have heretofore proved. It concedes that slavery may exist in a new State, as well as in an old one — since the language in which it recognizes slavery comprehends new

States as well as actual. I trust then that I shall be forgiven if I suggest that no eccentricity in argument can be more trying to human patience than a formal assertion that a Constitution, to which slaveholding States were the most numerous parties, in which slaves are treated as property as well as persons, and provision is made for the security of that property and even for an augmentation of it by a temporary importation from Africa, a clause commanding Congress to guarantee a republican form of government to those very States as well as to others, authorizes you to determine that slavery and a republican form of government cannot coexist.

But if a republican form of government is that in which all men have a share in the public power, the slaveholding States will not alone retire from the Union. The constitutions of some of the other States do not sanction universal suffrage, or universal eligibility. They require citizenship, and age, and a certain amount of property, to give a title to vote or to be voted for; and they who have not those qualifications are just as much disfranchised, with regard to the government and its power, as if they were slaves. They have civil rights indeed, and so have slaves in a less degree; but they have no share in the government. Their province is to obey the laws, not to assist in making them. All such States must therefore be foris-

familiated with Virginia and the rest, or change their system ; for the Constitution, being absolutely silent on those subjects, will afford them no protection. The Union might thus be reduced from an union to an unit. Who does not see that such conclusions flow from false notions—that the true theory of a republican government is mistaken—and that in such a government rights political and civil may be qualified by the fundamental law, upon such inducements as the freemen of a country deem sufficient ? That civil rights may be qualified as well as political is proved by a thousand examples. Minors, resident aliens who are in a course of naturalization, —the other sex, whether maids or wives or widows,—furnish sufficient practical proofs of this.

Again : if we are to entertain these hopeful abstractions, and to resolve all establishments into their imaginary elements in order to recast them upon some Utopian plan, and if it be true that all the men in a republican government must help to wield its power and be equal in rights, I beg leave to ask the honorable gentleman from New Hampshire : And why not all the women ? They too are God's creatures, and not only very fair but very rational creatures ; and our great ancestor, if we are to give credit to Milton, accounted them the "wisest, virtuousest, discreetest, best" ; although, to say the truth, he had but one specimen

from which to draw his conclusion, and possibly if he had had more would not have drawn it at all. They have, moreover, acknowledged civil rights in abundance, and upon abstract principles more than their masculine rulers allow them in fact. Some monarchies, too, do not exclude them from the throne. We have all read of Elizabeth of England, of Catherine of Russia, of Semiramis, and Zenobia, and a long list of royal and imperial dames, about as good as an equal list of royal and imperial lords. Why is it that their exclusion from the power of a popular government is not destructive of its republican character? I do not address this question to the honorable gentleman's gallantry, but to his abstraction, and his theories, and his notions of the infinite perfectibility of human institutions, borrowed from Godwin and the turbulent philosophers of France. For my own part, Sir, if I may have leave to say so much in the presence of this mixed, uncommon audience, I confess I am no friend to female government, unless indeed it be that which reposes on gentleness, and modesty, and virtue, and feminine grace and delicacy; and how powerful a government that is, we have all of us, as I suspect, at some time or other experienced! But if the ultra-republican doctrines which have now been broached should ever gain ground among us, I should not be surprised if some romantic reformer,

treading in the footsteps of Mrs. Wollstonecraft, should propose to repeal our republican Salique Law and claim for our wives and daughters a full participation in political power, and to add to it that domestic power, which in some families, as I have heard, is as absolute and unrepublican as any power can be.

I have thus far allowed the honorable gentlemen to avail themselves of their assumption that the constitutional command to guarantee to the States a republican form of government gives power to coerce those States in the adjustment of the details of their constitutions upon theoretical speculations. But surely it is passing strange that any man, who thinks at all, can view this salutary command as the grant of a power so monstrous, or look at it in any other light than as a protecting mandate to Congress to interpose with the force and authority of the Union against that violence and usurpation by which a member of it might otherwise be oppressed by profligate and powerful individuals, or ambitious and unprincipled factions.

In a word, the resort to this portion of the Constitution for an argument in favor of the proposed restriction is one of those extravagances — I hope I shall not offend by this expression — which may excite our admiration, but cannot call for a very rigorous refutation. I have dealt with it accordingly, and have now done with it.

We are next invited to study that clause of the Constitution which relates to the migration or importation, before the year 1808, of such persons as any of the States then existing should think proper to admit. It runs thus: "The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a taw or duty may be imposed on such importation not exceeding ten dollars for each person."

It is said that this clause empowers Congress, after the year 1808, to prohibit the passage of slaves from State to State; and the word *migration* is relied upon for that purpose.

I will not say that the proof of the existence of a power by a clause which, as far as it goes, denies it, is always inadmissible; but I will say that it is always feeble. On this occasion it is singularly so. The power, in an affirmative shape, cannot be found in the Constitution; or, if it can, it is equivocal and unsatisfactory. How do the gentlemen supply this deficiency? By the aid of a negative provision in an article of the Constitution in which many restrictions are inserted *ex abundanti cautela,* from which it is plainly impossible to infer that the power to which they apply would otherwise have existed. Thus: "No bill of attainder or *ex post facto* law shall be passed."

Take away the restriction ; could Congress pass a bill of attainder, the trial by jury in criminal cases being expressly secured by the Constitution ? The inference, therefore, from the prohibition in question, whatever may be its meaning, to the power which it is supposed to restrain but which you cannot lay your finger upon with any pretension to certainty, must be a very doubtful one. But the import of the prohibition is also doubtful, as the gentlemen themselves admit. So that a doubtful power is to be made certain by a yet more doubtful negative upon power — or rather a doubtful negative, where there is no evidence of the corresponding affirmative, is to make out the affirmative and to justify us in acting upon it, in a matter of such high moment that questionable power should not dare to approach it. If the negative were perfectly clear in its import, the conclusion which has been drawn from it would be rash, because it might have proceeded, as some of the negatives in whose company it is found evidently did proceed, from great anxiety to prevent such assumptions of authority as are now attempted. But when it is conceded that the supposed import of this negative — as to the term *migration* — is ambiguous, and that it may have been used in a very different sense from that which is imputed to it, the conclusion acquires a character of boldness, which, however some may

admire, the wise and reflecting will not fail to condemn.

In the construction of this clause, the first remark that occurs is that the word *migration* is associated with the word *importation*. I do not insist that *noscitur a sociis* is as good a rule in matters of interpretation as in common life ; but it is, nevertheless, of considerable weight when the associated words are not qualified by any phrases that disturb the effect of their fellowship, and unless it announces — as in this case it does not — by specific phrases combined with the associated term a different intention. Moreover, the ordinary unrestricted import of the word *migration* is what I have here supposed. A removal from district to district, within the same jurisdiction, is never denominated a migration of persons. I will concede to the honorable gentlemen, if they will accept the concession, that ants may be said to migrate when they go from one anthill to another at no great distance from it. But even then they could not be said to migrate, if each anthill was their home in virtue of some federal compact with insects like themselves. But, however this may be, it should seem to be certain that human beings do not migrate, in the sense of a Constitution, simply because they transplant themselves from one place to which that Constitution extends to another which it equally covers.

If this word *migration* applied to freemen, and not to slaves, it would be clear that removal from State to State would not be comprehended within it. Why, then, if you choose to apply it to slaves, does it take another meaning as to the place from whence they are to come?

Sir, if we once depart from the usual acceptation of this term, fortified as it is by its union with another in which there is nothing in this respect equivocal, will gentlemen please to intimate the point at which we are to stop? Migration means, as they contend, a removal from State to State, within the pale of the common government. Why not a removal also from county to county within a particular State — from plantation to plantation — from farm to farm — from hovel to hovel? Why not any exertion of the power of locomotion? I protest I do not see, if this arbitrary limitation of the natural sense of the term *migration* be warrantable, that a person to whom it applies may not be compelled to remain all the days of his life — which could not well be many — in the very spot, literally speaking, in which it was his good or his bad fortune to be born.

Whatever may be the latitude in which the word *persons* is capable of being received, it is not denied that the word *importation* indicates a bringing in from a jurisdiction foreign to the United States. The two *termini* of the importation here

spoken of are a foreign country and the American Union — the first the *terminus a quo,* the second the *terminus ad quem.* The word *migration* stands in simple connection with it, and of course is left to the full influence of that connection. The natural conclusion is that the same *termini* belong to each, or, in other words, that if the importation must be from abroad, so must also be the migration —no other *termini* being assigned to the one which are not manifestly characteristic of the other. This conclusion is so obvious that, to repel it, the word *migration* requires as an appendage explanatory phraseology, giving to it a different beginning from that of *importation.* To justify the conclusion that it was intended to mean a removal from State to State, each within the sphere of the Constitution in which it is used, the addition of the words " from one to another State in this Union " were indispensable. By the omission of these words, the word *migration* is compelled to take every sense of which it is fairly susceptible from its immediate neighbor, *importation.* In this view it means a coming, as *importation* means a bringing, from a foreign jurisdiction into the United States. That it is susceptible of this meaning, nobody doubts. I go further. It can have no other meaning in the place in which it is found. It is found in the Constitution of this Union, which, when it speaks of migration as of a general

concern, must be supposed to have in view a migration into the domain which itself embraces as a general government.

Migration, then, even if it comprehends slaves, does not mean the removal of them from State to State, but means the coming of slaves from places beyond their limits and their power. And if this be so, the gentlemen gain nothing for their argument by showing that slaves were the objects of this term.

An honorable gentleman from Rhode Island, whose speech was distinguished for its ability and for an admirable force of reasoning as well as by the moderation and mildness of its spirit, informed us, with less discretion than in general he exhibited, that the word *migration* was introduced into this clause at the instance of some of the Southern States, who wished by its instrumentality to guard against a prohibition by Congress of the passage into those States of slaves from other States. He has given us no authority for this supposition, and it is, therefore, a gratuitous one. How improbable it is, a moment's reflection will convince him. The African slave-trade being open during the whole of the time to which the entire clause in question referred, such a purpose could scarcely be entertained; but if it had been entertained, and there was believed to be a necessity for securing it by a restriction upon the power of Congress to interfere with it, is it possible that

they who deemed it important would have contented themselves with a vague restraint, which was calculated to operate in almost any other manner than that which they desired? If fear and jealousy, such as the honorable gentleman has described, had dictated this provision, a better term than that of *migration,* simple and unqualified, and joined too with the word *importation,* would have been found to tranquillize those fears and satisfy that jealousy. Fear and jealousy are watchful, and are rarely seen to accept a security short of their object, and less rarely to shape that security, of their own accord, in such a way as to make it no security at all. They always seek an explicit guaranty; and that this is not such a guaranty this debate has proved, if it has proved nothing else.

Sir, I shall not be understood by what I have said to admit that the word *migration* refers to slaves. I have contended only that if it does refer to slaves, it is in this clause synonymous with *importation;* and that it cannot mean the mere passage of slaves, with or without their masters, from one State in the Union to another.

But I now deny that it refers to slaves at all. I am not for any man's opinion or his histories upon this subject. I am not accustomed *jurare in verba magistri.* I shall take the clause as I find it, and do my best to interpret it.

. . . . . .

JOHN RANDOLPH

John Randolph was born in Virginia, June 2, 1773. He was educated at Princeton and Columbia colleges, and studied law in the office of Edmund Randolph, his second cousin. In 1795 he returned to Virginia, and in 1799, in consequence of a powerful speech made by him in reply to Patrick Henry, Randolph was elected to Congress. His first speech in that body was ominous of his future eccentricities, and made him many enemies. Nevertheless, by sheer force of genius, Randolph soon became the leader of the Republican party in the House, and for many years he was the most prominent of American statesmen. He was defeated for Congress in 1812, in consequence of his struggle to prevent the war with England, but was returned in 1815. In 1824 he was elected to the Senate to fill a vacancy, serving until 1827, when he was defeated for reëlection. In 1829 he was a member of the Virginia Constitutional Convention, and by his eloquence at times enthralled that body, though he was rapidly failing in health. He died at Philadelphia in 1833.

Randolph was a very unequal speaker, but at his best was rarely surpassed in fluent and effective eloquence. He was peculiarly incisive in his manner, and was strongest in aggressive debate. At times he was dignified and noble in his diction, but this was not of custom.

The best biography is the *Life of John Randolph,* by Hugh A. Garland (2 vols., New York, 1850). *John Randolph,* by Henry Adams (Boston, 1882) is also interesting.

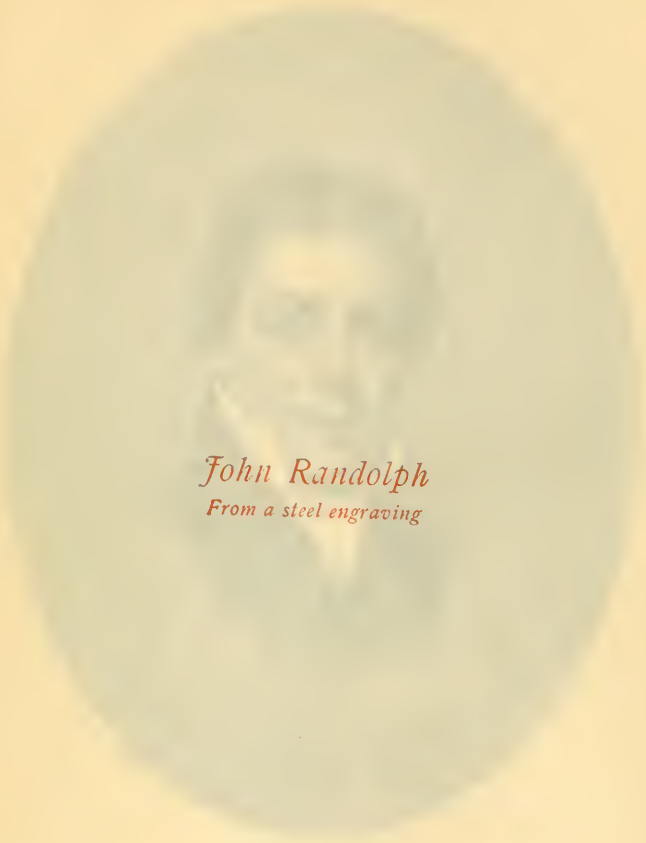
ON INTERNAL IMPROVEMENTS

[Selection.] *John Randolph.*

The following extract from Randolph's greatest speech gives a good example of his power as an orator. The speech was made in answer to one of Clay's, and shows Randolph in the double capacity of orator and prophet. His denunciation of the government may have been a mistaken one ; but no one can deny the extraordinary foresight which he displays in his last quoted words. The speaker seemed endowed with a Cassandra spirit, and his words, though at the time disregarded, were remembered in after years as the first warning of the darkness which was to fall upon the country.

WE are told that, along with the regulation of foreign commerce, the States have yielded to the general government in as broad terms the regulation of domestic commerce,— I mean the commerce among the several States,— and that the same power is possessed by Congress over the one as over the other. It is rather unfortunate for this argument that, if it applies to the extent to which the power to regulate foreign commerce has been carried by Congress, they may prohibit altogether this domestic commerce, as they have heretofore under the other power prohibited foreign commerce. But why put extreme cases ? This government cannot go on one day without a

mutual understanding and deference between the State and general governments. This government is the breath of the nostrils of the States. Gentlemen may say what they please of the preamble to the Constitution; but this Constitution is not the work of the amalgamated population of the then existing Confederacy, but the offspring of the States; and, however high we may carry our heads and strut and fret our hour, "dressed in a little brief authority," it is in the power of the States to extinguish this government at a blow. They have only to refuse to send members to the other branch of the legislature, or to appoint electors of President and Vice-President, and the thing is done. . . . I said that this government, if put to the test,—a test it is by no means calculated to endure,—as a government for the management of the internal concerns of this country, is one of the worst that can be conceived, which is determined by the fact that it is a government not having a common feeling and common interest with the governed. I know that we are told—and it is the first time the doctrine has been openly avowed—that upon the responsibility of this House to the people, by means of the elective franchise, depends all the security of the people of the United States against the abuse of the powers of this government. But, Sir, how shall a man from Mackinaw or the Yellowstone River respond



John Randolph
From a steel engraving

to the sentiments of the people who live in New Hampshire? It is as great a mockery — a greater mockery than to talk to these colonies about their virtual representation in the British Parliament. I have no hesitation in saying that the liberties of the colonies were safer in the custody of the British Parliament than they will be in any portion of this country, if all the powers of the States as well as of the general government are devolved on this House. . . . We did believe there were some parchment barriers, — no! what is worth all the parchment barriers in the world, that there was in the powers of the States some counterpoise to the power of this body; but if this bill passes, we can believe so no longer.

There is one other power which may be exercised in case the power now contended for be conceded, to which I ask the attention of every gentleman who happens to stand in the same unfortunate predicament with myself, — of every man who has the misfortune to be or to have been born a slaveholder. If Congress possess the power to do what is proposed by this bill, they may not only enact a sedition law, — for there is precedent, — but they may emancipate every slave in the United States, and with stronger color of reason than they can exercise the power now contended for. And where will they find the power? They may follow the example of the

gentlemen who have preceded me, and hook the power on to the first loop they find in the Constitution. They might take the preamble, perhaps the war-making power; or they might take a greater sweep, and say, with some gentlemen, that it is not to be found in this or that of the granted powers, but results from all of them, which is not only a dangerous but the most dangerous doctrine. Is it not demonstrable that slave labor is the dearest in the world, and that the existence of a large body of slaves is a source of danger? Suppose we are at war with a foreign power, and freedom should be offered them by Congress as an inducement to them to take a part in it; or suppose the country not at war, at every turn of this federal machine, at every successive census, that interest will find itself governed by another and increasing power, which is bound to it neither by any common tie of interest or feeling. And if ever the time shall arrive, as assuredly it has arrived elsewhere, and in all probability may arrive here, that a coalition of knavery and fanaticism shall for any purpose be got up on this floor, I ask gentlemen who stand in the same predicament as I do to look well to what they are now doing, to the colossal power with which they are now arming this government. The power to do what I allude to is, I aver, more honestly inferable from the war-making power

than the power we are now about to exercise. Let them look forward to the time when such a question shall arise, and tremble with me at the thought that that question is to be decided by a majority of the votes of this House, of whom not one possesses the slightest tie of common interest or of common feeling with us.

THOMAS HART BENTON

Thomas Hart Benton was born in North Carolina in 1782. While he was yet a lad his family removed to Tennessee, where he was called to the bar. He served in the State Legislature, and fought as aide to Jackson in the war with England. In 1820 he was elected United States Senator, in which post he remained for thirty successive years, representing Missouri, to which State he had removed in 1815. During his long term in the Senate, Mr. Benton was conspicuous in the discussion and fate of nearly every important measure brought before that body, and was mainly instrumental in defeating the compromise measures of Henry Clay, although they were later adopted separately. At the expiration of his long service as Senator, Benton for a short time retired into private life, but after two years had passed he was elected to the House of Representatives. His opposition to the Kansas-Nebraska bill was fatal to his prospects of reëlection, and in 1856 he was a candidate for the gubernatorial chair of his State. He was defeated in this contest, and died in 1858.

Benton was exceedingly cultured and graceful in style when not too greatly excited by opposition. He brought into the field of debate the polished diction of the journalist of his time, and the effect was at once pleasing and forceful.

The *Thirty Years' View* by Benton is a most valuable retrospect of his long period in the Senate. His most important work, finished when he had lost the power of speaking aloud, is that entitled *An Abridgment of the Debates of Congress* (15 vols., New York). There is no extended biography of Mr. Benton.

ON FOOT'S RESOLUTION

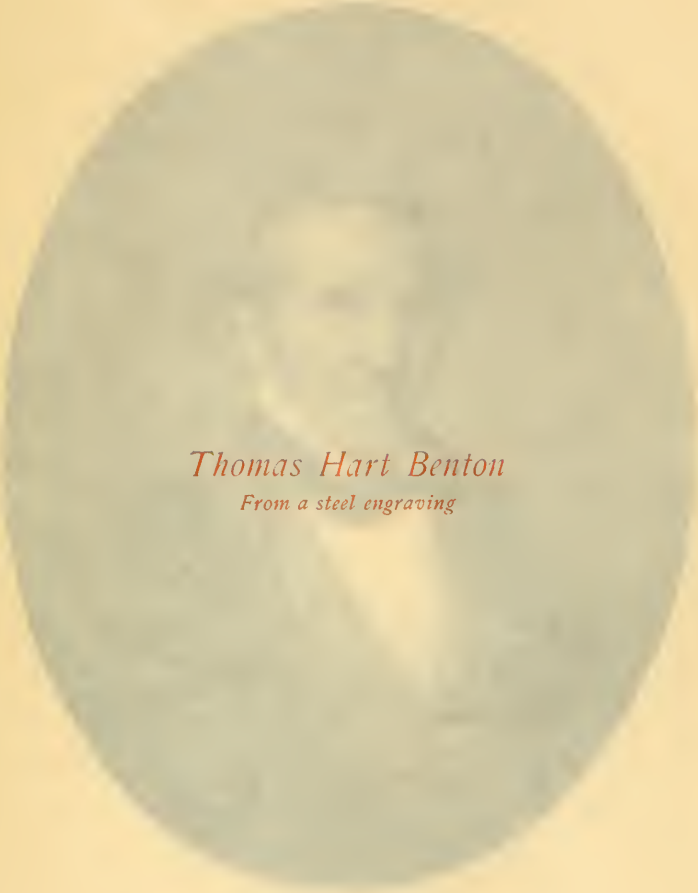
[Selection.] *Benton.*

The speech of Benton on the resolution submitted by Senator Foot to inquire into the expediency of limiting the sales of the public lands was the cause of the famous debate between Hayne and Webster. Several speakers had preceded Benton, and the matter was not of great apparent import, but on January 18, 1830, the Missouri Senator attacked New England as the sole obstacle to the best interests of the South and West. His speech was in itself brilliant, but its main interest undoubtedly lies in the fact that it was the first stroke in the battle which was continued by the more notable contestants, whose debate carried the discussion from its original limits to the question of constitutional interpretation and sectional conduct. The selection from Benton's speech contains the best part thereof.

. . . . . .

TIME and my ability would fail in any attempt to perform this task : to enumerate the names and acts of those generous friends in the South, who then stood forth our defenders and protectors, and gave us men and money and beat the domestic foe in the Capitol, while we beat the foreign foe in the field. Time and my ability would fail to do them justice ; but there is one State in the South, the name and praise of which the events of this debate would drag from the stones of the West, if they could rise up in this

place and speak! It is the name of that State upon which the vials, filled with the accumulated wrath of years, have been suddenly and unexpectedly emptied before us, on a motion to postpone a land debate; that State, whose microscopic offence in the obscure parish of Colleton is to be hung in equipoise with the organized treason and deep damnation of the Hartford Convention; that State, whose present dislike to a tariff which is tearing out her vitals is to be made the means of exciting the West against the whole South; that State, whose dislike to the tariff laws is to be made the pretext for setting up a despotic authority in the Supreme Court; that State, which, in the old Congress in 1785, voted for the reduction of the price of public lands to about one half the present minimum; which, in 1786, redeemed after it was lost, and carried by its single vote, the first measure that ever was adopted for the protection of Kentucky — that of the two companies sent to the Falls of Ohio; that State, which, in the period of the late war, sent us a Lowndes, a Cheves, and a Calhoun, to fight the battles of the West in the Capitol, and to slay the Goliaths in the North; that State, which at this day has sent to this chamber, the Senator [Mr. Hayne] whose liberal and enlightened speech on the subject of the public lands has been seized upon and made the pretext for that premeditated aggression upon



Thomas Hart Benton

From a steel engraving

South Carolina and the whole South which we have seen met with a promptitude, energy, gallantry, and effect that has forced the assailant to cry out an hundred times that he was still alive, though we all could see that he was most cruelly pounded.

Memory, Mr. President, is the lowest faculty of the human mind — the irrational animals possess it in common with man — the poor beasts of the field have memory. They can recollect the hand that feeds and the foot that kicks them; and the instinct of self-preservation tells them to follow one and to avoid the other. Without any knowledge of Greek or Latin, these mute, irrational creatures "fear the Greek offering presents"; they shun the food offered by the hand that has been lifted to take their life. This is their instinct; and shall man, the possessor of so many noble faculties, with all the benefits of learning and experience, have less memory, less gratitude, less sensibility to danger, than these poor beasts? And shall he stand less upon his guard, when the hand that smote is stretched out to entice? Shall man, bearing the image of his Creator, sink thus low? Shall the generous son of the West fall below his own dumb and reasonable cattle in all the attributes of memory, gratitude, and sense of danger? Shall his *"Timeo Danaos"* have been taught him in vain? Shall he forget the things

which he saw, and part of which he was — the events of the late war — the memorable scenes of fifteen years ago? The events of former times, of forty years ago, may be unknown to those who are born since. The attempt to surrender the navigation of the Mississippi; to prevent the settlement of the West; the refusal to protect the early settlers of Kentucky and Tennessee, or to procure for them a cession of Indian lands: all these trials, in which the South was the savior of the West, may be unknown to the young generation that has come forward since; and, with respect to those events, being uninformed, they may be unmindful and ungrateful. They did not see them; and, like the second generation of the Israelites in the land of promise, who knew not the wonders which God had done for their forefathers in Egypt, they may plead ignorance and go astray after strange gods—after the Baals and the Ashtaroths of the heathen; but not so of the events of the last war. These they saw! The aid of the South they felt! The deeds of a party in the Northeast they felt also. Memory will do its office for both; and base and recreant is the son of the West that can ever turn his back upon the friends that saved to go into the arms of the enemy that mocked and scorned him in the season of dire calamity.

I proceed to a different theme. Among the novelties of this debate, Mr. President, is that part

of the speech of the Senator from Massachusetts which dwells, with such elaboration of argument and ornament, upon the love and blessings of union, the hatred and horror of disunion. It was a part of the Senator's speech which brought into full play the favorite Ciceronian figure of amplification. It was up to the rule in that particular. But it seemed to me that there was another rule, and a higher and precedent one, which it violated. It was the rule of propriety : that rule which requires the fitness of things to be considered ; which requires the time, the place, the subject, and the audience to be considered, and condemns the delivery of the argument, and all its flowers, if it fails in congruence to these particulars. I thought the essay upon union and disunion had so failed. It came to us when we were not prepared for it, when there was nothing in the Senate, nor in the country, to grace its introduction ; nothing to give or to receive effect to or from the impassioned scene that we witnessed. It may be it was the prophetic cry of the distracted daughter of Priam, breaking into the council and alarming its tranquil members with vaticinations of the fall of Troy ; but to me it all sounded like the sudden proclamation for an earthquake, when the sun, the earth, the air, announced no such prodigy ; when all the elements of nature were at rest, and sweet repose pervading the world. There was a time,

Mr. President, "and you, and I, and all of us did see it," when such a speech would have found in its delivery every attribute of a just and rigorous propriety! It was at the time when the five-striped banner was waving over the land of the North! when the Hartford Convention was in session! when the language in the Capitol was, "Peaceably, if we can; forcibly, if we must!" when the cry, out of doors, was, "The Potomac the boundary; the Negro States by themselves! The Alleghanies the boundary; the western savages by themselves! The Mississippi the boundary; let Missouri be governed by a Prefect, or given up as a haunt for wild beasts!" That time was the fit occasion for this speech; and if it had been delivered then, either in the Hall of Representatives or in the den of the Convention, or in the highway, among the bearers and followers of the five-striped banner, what effect must it not have produced, what terror and consternation among the plotters of disunion! But here, in this loyal and quiet assemblage, in this season of general tranquillity and universal allegiance, the whole performance has lost its effect for want of affinity, connection, or relation to any subject depending or sentiment expressed in the Senate; for want of any application or reference to any event impending in the country.

ROBERT YOUNG HAYNE

Robert Young Hayne was borne in South Carolina in 1781. He passed the bar when yet wanting a few days of his majority, and began practice at Charleston. He took part in the War of 1812, and after the declaration of peace resumed his practice. He was a member of the Legislature of his State from 1814 to 1818, and was in the latter year appointed Attorney-General of the State, which office he held until 1823. In 1823 he was chosen as Senator in the Congress of the United States. Here he made himself famous by his combat with Webster on the subject of constitutional and sectional issues. In 1832 Mr. Hayne resigned his position as Senator in order to accept the gubernatorial chair of South Carolina, after that State had passed resolutions of nullification. He guided the fortunes of the State in the troublous times which ensued, presiding at the final convention, where the nullification ordinance was repealed. Hayne resigned the executive reins in December, 1834. He was Mayor of Charleston from 1835 to 1837, and died in 1839.

Hayne was a brilliant but hardly a profound thinker, and these qualities were apparent in his speeches. He was quick to grasp a point of vantage, but he did not always make the best use of the position which he had gained. He had always the courage of his convictions and boldly attacked without looking to any line of retreat in case the attack failed. His diction was generally fluent and graceful, and his bearing was impressive.

The Life and Speeches of Robert Hayne (1845) is of interest. Mr. Hayne was a contributor to the *Southern Review* and some other periodicals, but no complete collection of his works has been made. The *Life,* by Paul H. Hayne is the best biography of Mr. Hayne.

ON FOOT'S RESOLUTION

[Selection.] *Hayne.*

Following the lead of Benton, Hayne made a vehement attack upon New England and her course toward the West and South. He passed by the immediate question under discussion to bring up the matter of the tariff. Mr. Webster replied in his usual effective style, but forebore to strongly attack in turn. These speeches had been made on January 19th and 20th, 1830, and on the 21st Webster requested that the debate might be postponed for a week. To this, however, Mr. Hayne objected, saying that he "had something here [with his hand on his heart] which he wished to get rid of." The debate accordingly proceeded, Hayne delivering the speech which follows. Among many other notable features, there stands out the fact that it contains the first public proclamation of the doctrine of nullification, to be made so famous in the hands of Calhoun—from whom, indeed, it is commonly thought that Hayne drew the inspiration of his words. The most interesting portion of the speech is given.

IN the course of my former remarks, Mr. President, I took occasion to deprecate, as one of the greatest evils, the consolidation of this government. The gentleman takes alarm at the sound. "Consolidation like the tariff," grates upon his ear. He tells us, "we have heard much of late about consolidation ; that it is the rallying word of all who are endeavoring to weaken the Union, by adding to the power of the States." But consolidation, says the gentleman, was the

very object for which the Union was formed ; and, in support of that opinion, he read a passage from the address of the President of the Convention to Congress, which he assumes to be authority on his side of the question. But, Sir, the gentleman is mistaken. The object of the framers of the Constitution, as disclosed in that address, was not the consolidation of the government, but "the consolidation of the Union." It was not to draw power from the States, in order to transfer it to a great National Government, but, in the language of the Constitution itself, "to form a more perfect Union,"—and by what means? By "establishing justice, promoting domestic tranquillity, and securing the blessings of liberty to ourselves and our posterity." This is the true reading of the Constitution. But, according to the gentleman's reading, the object of the Constitution was to consolidate the government ; and the means would seem to be the promotion of injustice, causing domestic discord, and depriving the States and the people "of the blessings of liberty" forever.

The gentleman boasts of belonging to the party of National Republicans. National Republicans !—a new name, Sir, for a very old thing. The National Republicans of the present day were the Federalists of '98, who became Federal Republicans during the war of 1812, and were

manufactured into National Republicans somewhere about the year 1825.

As a party,—by whatever name distinguished,—they have always been animated by the same principles, and have kept steadily in view a common object, the consolidation of the government. Sir, the party to which I am proud of having belonged from the very commencement of my political life to the present day were the Democrats of '98—Anarchists, Anti-Federalists, Revolutionists, I think they were sometimes called. They assumed the name of Democratic Republicans in 1822, and have retained their name and principles up to the present hour. True to their political faith, they have always, as a party, been in favor of limitations of power; they have insisted that all powers not delegated to the Federal Government are reserved; and have been constantly struggling, as they now are, to preserve the rights of the States, and to prevent them from being drawn into the vortex and swallowed up by one great consolidating of government.

Sir, any one acquainted with the history of parties in this country will recognize in the points now in dispute between the Senator from Massachusetts and myself the very grounds which have, from the beginning, divided the two great parties of this country, and which—call these parties by what names you will, and amalgamate them as you may

—will divide them forever. The true distinction between those parties is laid down in a celebrated manifesto, issued by the convention of Federalists of Massachusetts, assembled in Boston, in February, 1824, on the occasion of organizing a party opposition to the reëlection of Governor Eustis. The gentleman will recognize this as the "canonical book of political scripture"; and it instructs us that when the American Colonies redeemed themselves from British bondage, and became so many independent nations, they proposed to form a National Union,—not a Federal Union, Sir, but a National Union. Those who were in favor of a union of the States in this form became known by the name of Federalists; those who wanted no union of the States, or disliked the proposed form of union, became known by the name of Anti-Federalists. By means which need not be enumerated, the Anti-Federalists became—after the expiration of twelve years—our national rulers, and, for a period of sixteen years, until the close of Mr. Madison's administration in 1817, continued to exercise the exclusive direction of our public affairs. Here, Sir, is the true history of the origin, rise, and progress of the party of National Republicans, who date back to the very origin of the government, and who then, as now, chose to consider the Constitution as having created, not a Federal, but a National Union; who regarded "consolidation" as no evil,

and who doubtless consider it "a consummation devoutly to be wished" to build up a great "central government," "one and indivisible."

Sir, there have existed, in every age and every country, two distinct orders of men—the lovers of freedom, and the devoted advocates of power. The same great leading principles, modified only by the peculiarities of manners, habits, and institutions, divided parties in the ancient republics, animated the Whigs and Tories of Great Britain, distinguished in our times the Liberals and Ultras of France, and may be traced even in the bloody struggle of unhappy Spain. Sir, when the gallant Riego, who devoted himself and all that he possessed to the liberties of his country, was dragged to the scaffold, followed by the tears and lamentations of every lover of freedom throughout the world, he perished among the deafening cries of "Long live the absolute king!" The people whom I represent, Mr. President, are the descendants of those who brought with them to this country, as the most precious of their possessions, "an ardent love of liberty"; and, while they shall be preserved, they will always be found manfully struggling against the consolidation of the government, as the worst of evils.

The Senator from Massachusetts, in alluding to the tariff, becomes quite facetious. He tells us that he hears of "nothing but tariff, tariff,

tariff; and, if a word could be found to rhyme with it, he presumes it would be celebrated in verse and set to music." Sir, perhaps the gentleman, in mockery of our complaints, may be himself disposed to sing the praises of the tariff in doggerel verse, to the tune of "Old Hundred." I am not at all surprised, however, at the aversion of the gentleman to the very name of tariff. I doubt not it must always bring up some very unpleasant recollections to his mind. If I am not greatly mistaken, the Senator from Massachusetts was a leading actor at a great meeting got up in Boston, in 1820, against the tariff. It has generally been supposed that he drew up the resolutions adopted by that meeting, denouncing the tariff system as unequal, oppressive, and unjust; and, if I am not much mistaken, denying its constitutionality. Certain it is that the gentleman made a speech on that occasion in support of those resolutions, denouncing the system in no very measured terms; and, if my memory serves me, calling its constitutionality into question. I regret that I have not been able to lay my hands on those proceedings; but I have seen them, and cannot be mistaken in their character. At that time, Sir, the Senator from Massachusetts entertained the very sentiments in relation to the tariff which the South now entertains. We next find the Senator from Massachusetts expressing

his opinion on the tariff, as a member of the House of Representatives from the city of Boston, in 1824. On that occasion, Sir, the gentleman assumed a position which commanded the respect and admiration of his country. He stood forth the powerful and fearless champion of free trade. He met in that conflict the advocates of restriction and monopoly, and they "fled from before his face." With a profound sagacity, a fulness of knowledge, and a richness of illustration that has never been surpassed, he maintained and established the principles of commercial freedom on a foundation never to be shaken. Great indeed was the victory achieved by the gentleman on that occasion; most striking the contrast between the clear, forcible, and convincing arguments by which he carried away the understandings of his hearers, and the narrow views and sophistry of another distinguished orator, who may be truly said to have "held up his farthing candle to the sun."

Sir, the Senator from Massachusetts, on that, the proudest day of his life, like a mighty giant bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt, and leaving his adversaries overwhelmed in its ruins. Then it was that he erected to free trade a beautiful and enduring monument, and "inscribed the marble with his name." Mr. President, it is with pain and regret that I now go

forward to the next great era in the political life of that gentleman, when he was found on this floor, supporting, advocating, and finally voting for the tariff of 1828 — that "bill of abominations." By that act, Sir, the Senator from Massachusetts has destroyed the labors of his whole life, and given a wound to the cause of free trade, never to be healed. Sir, when I recollect the position which that gentleman once occupied and that which he now holds in the public estimation in relation to this subject, it is not at all surprising that the tariff should be hateful to his ears. Sir, if I had erected to my own fame so proud a monument as that which this gentleman built up in 1824, and I could have been tempted to destroy it with my own hands, I should hate the voice that should ring "the accursed tariff" in my ears. I doubt not the gentleman feels very much, in relation to the tariff, as a certain knight did to "instinct" and with him would be disposed to exclaim —

"Ah! no more of that, Hal, an' thou lovest me."

But, Mr. President, to be more serious: what are we of the South to think of what we have heard this day? The Senator from Massachusetts tells us that the tariff is not an Eastern measure, and treats it as if the East had no interest in it. The Senator from Missouri insists it is not a Western measure, and that it has done no good to

the West. The South comes in, and, in the most earnest manner, represents to you that this measure, which we are told "is of no value to the East or the West," is "utterly destructive of our interests." We represent to you that it has spread ruin and devastation through the land and prostrates our hopes in the dust. We solemnly declare that we believe the system to be wholly unconstitutional and a violation of the compact between the States and the Union; and our brethren turn a deaf ear to our complaints, and refuse to relieve us from a system "which not enriches them, but makes us poor indeed." Good God! Mr. President, has it come to this? Do gentlemen hold the feelings and wishes of their brethren at so cheap a rate that they refuse to gratify them at so small a price? Do gentlemen value so lightly the peace and harmony of the country that they will not yield a measure of this description to the affectionate entreaties and earnest remonstrances of their friends? Do gentlemen estimate the value of the Union at so low a price that they will not even make one effort to bind the States together with the cords of affection? And has it come to this? Is this the spirit in which this government is to be administered? If so, let me tell gentlemen the seeds of dissolution are already sown, and our children will reap the bitter fruits.

The honorable gentleman from Massachusetts

[Mr. Webster], while he exonerates me personally from the charge, intimates that there is a party in the country who are looking to disunion. Sir, if the gentleman had stopped there, the accusation would have "passed me by like the idle wind, which I regard not." But when he goes on to give to his accusation a local habitation and a name, by quoting the expression of a distinguished citizen of South Carolina, "that it was time for the South to calculate the value of the Union," and, in the language of the bitterest sarcasm, adds, "surely then the Union cannot last longer than July, 1831," it is impossible to mistake either the allusion or the object of the gentleman. Now, Mr. President, I call upon every one who hears me to bear witness that this controversy is not of my seeking. The Senate will do me the justice to remember that at the time this unprovoked and uncalled-for attack was made upon the South, not one word had been uttered by me in disparagement of New England; nor had I made the most distant allusion either to the Senator from Massachusetts or the State he represents. But, Sir, that gentleman has thought proper, for purposes best known to himself, to strike the South, through me, the most unworthy of her servants. He has crossed the border; he has invaded the State of South Carolina, is making war upon her citizens, and endeavoring to

overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold — I will struggle while I have life for our altars and our firesides — and, if God gives me strength, I will drive back the invader discomfited. Nor shall I stop there. If the gentleman provokes the war, he shall have war. Sir, I will not stop at the border — I will carry the war into the enemy's territory, and not content to lay down my arms until I have obtained "indemnity for the past, and security for the future." It is with unfeigned reluctance, Mr. President, that I enter upon the performance of this part of my duty — I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings and sectional jealousies. But, Sir, the task has been forced upon me; and I proceed right onward to the performance of my duty. Be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone; and if he shall find, according to a homely adage, "that he lives in a glass house" — on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts; I shall make no professions of zeal for the interests and honor of South Carolina; of that, my constituents shall

judge. If there be one State in the Union, Mr. President, — and I say it not in a boastful spirit, — that may challenge comparisons with any other for an uniform, zealous, ardent, and uncalculating devotion to the Union, that State is South Carolina. Sir, from the very commencement of the Revolution up to this hour, there is no sacrifice, however great, she has not cheerfully made; no service she has ever hesitated to perform. She has adhered to you in your prosperity; but in your adversity she has clung to you with more than filial affection. No matter what was the condition of her domestic affairs, though deprived of her resources, divided by parties, or surrounded with difficulties, the call of the country has been to her as the voice of God. Domestic discord ceased at the sound; every man became at once reconciled to his brethren, and the sons of South Carolina were all seen crowding together to the temple, bringing their gifts to the altar of their common country.

What, Sir, was the conduct of the South during the Revolution? Sir, I honor New England for her conduct in that glorious struggle. But, great as is the praise which belongs to her, I think at least equal honor is due to the South. They espoused the quarrel of their brethren with a generous zeal which did not suffer them to stop to calculate their interest in the dispute. Favorites

of the mother country, possessed of neither ships nor seamen to create a commercial rivalship, they might have found in their situation a guaranty that their trade would be forever fostered and protected by Great Britain. But, trampling on all considerations either of interest or of safety, they rushed into the conflict, and, fighting for principle, perilled all in the sacred cause of freedom. Never were there exhibited in the history of the world higher examples of noble daring, dreadful suffering, and heroic endurance, than by the Whigs of Carolina during the Revolution. The whole State, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the spot where they were produced, or were consumed by the foe. The "plains of Carolina drank up the most precious blood of her citizens!" Black and smoking ruins marked the places which had been the habitations of her children! Driven from their homes into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina, sustained by the example of her Sumters and her Marions, proved by her conduct that though her soil might be overrun, the spirit of her people was invincible.

But, Sir, our country was soon called upon to engage in another revolutionary struggle, and that, too, was a struggle for principle. I mean

the political revolution which dates back to '98, and which, if it had not been successfully achieved, would have left us none of the fruits of the Revolution of '76. The revolution of '98 restored the Constitution, rescued the liberty of the citizen from the grasp of those who were aiming at its life, and, in the emphatic language of Mr. Jefferson, "saved the Constitution at its last gasp." And by whom was it achieved? By the South, Sir, aided only by the Democracy of the North and West.

I come now to the War of 1812 — a war which I well remember was called in derision, while its event was doubtful, the Southern war, and sometimes the Carolina war; but which is now universally acknowledged to have done more for the honor and prosperity of the country than all other events in our history put together. What, Sir, were the objects of that war? "Free trade and sailors' rights!" It was for the protection of Northern shipping and New England seamen that the country flew to arms. What interest had the South in that contest? If they had sat down coolly to calculate the value of their interests involved in it, they would have found that they had everything to lose and nothing to gain. But, Sir, with that generous devotion to country, so characteristic of the South, they only asked if the rights of any portion of their fellow-citizens had been invaded; and when told that Northern ships

and New England seamen had been arrested on the common highway of nations, they felt that the honor of their country was assailed; and, acting on that exalted sentiment "which feels a stain like a wound," they resolved to seek in open war for a redress of those injuries which it did not become freedmen to endure. Sir, the whole South, animated as by a common impulse, cordially united in declaring and prompting that war. South Carolina sent to your councils as the advocates and supporters of that war the noblest of her sons. How they fulfilled that trust let a grateful country tell. Not a measure was adopted, not a battle fought, not a victory won, which contributed in any degree to the success of that war, to which Southern councils and Southern valor did not largely contribute. Sir, since South Carolina is assailed, I must be suffered to speak it to her praise, that at the very moment when in one quarter we heard it solemnly proclaimed "that it did not become a religious and moral people to rejoice at the victories of our army and our navy," her Legislature unanimously resolved: "That we will cordially support the Government in the vigorous prosecution of the war, until a peace can be obtained on honorable terms, and we will cheerfully submit to every privation that may be required of us by our Government for the accomplishment of this object."

South Carolina redeemed that pledge. She threw open her treasury to the Government. She put at the absolute disposal of the officers of the United States all that she possessed — her men, her money, and her arms. She appropriated half a million dollars, on her own account, in defence of her maritime frontier, ordered a brigade of State troops to be raised, and, when left to protect herself by her own means, never suffered the enemy to touch her soil without being instantly driven off or captured.

Such, Sir, was the conduct of the South — such the conduct of my own State in that dark hour which "tried men's souls."

When I look back and contemplate the spectacle exhibited at that time in another quarter of the Union — when I think of the conduct of certain portions of New England, and remember the part which was acted on that memorable occasion by the political associates of the gentleman from Massachusetts — nay, when I follow that gentleman into the councils of the nation and listen to his voice during the darkest period of the war — I am indeed astonished that he should venture to touch upon the topics which he has introduced into this debate. South Carolina reproached by Massachusetts! And from whom does the accusation come? Not from the Democracy of New England; for they have been in time past, as they

are now, the friends and allies of the South. No, Sir, the accusation comes from that party whose acts, during the most trying and eventful period of our national history, were of such a character that their own Legislature, but a few years ago, actually blotted them out of their records as a stain upon the honor of the country. But how can they ever be blotted out from the recollection of any one who had a heart to feel, a mind to comprehend, and a memory to retain, the events of that day? Sir, I shall not attempt to write the history of the party in New England to which I have alluded — the war party in peace, and the peace party in war. That task I shall leave to some future biographer of Nathan Dane; and I doubt not it will be found quite easy to prove that the peace party of Massachusetts were the only defenders of their country during the war, and actually achieved all our victories by land and sea. In the mean time, Sir, and until that history shall be written, I propose, with the feeble and glimmering lights which I possess, to review the conduct of this party in connection with the war and the events which immediately preceded it.

It will be recollected, Sir, that our great causes of quarrel with Great Britain were her depredations on northern commerce and the impressment of New England seamen. From every quarter we were called upon for protection. Importunate as

the West is now represented to be on another subject, the importunity of the East on that occasion was far greater. I hold in my hands the evidence of the fact. Here are petitions, memorials, and remonstrances from all parts of New England, setting forth the injustice, the oppression, the depredations, the insults, the outrages, committed by Great Britain against the unoffending commerce and seamen of New England, and calling upon Congress for redress. Sir, I cannot stop to read these memorials. In that from Boston, after stating the alarming and extensive condemnation of our vessels by Great Britain, which threatened "to sweep our commerce from the face of the ocean," and "to involve our merchants in bankruptcy," they called upon the Government "to assert our rights, and to adopt such measures as will support the dignity and honor of the United States."

From Salem we heard a language still more decisive; they call explicitly for "an appeal to arms," and pledge their lives and property in support of any measures which Congress might adopt. From Newburyport an appeal was made "to the firmness and justice of the Government to obtain compensation and protection." It was here, I think, that when the war was declared, it was resolved "to resist our own Government, even unto blood!"

In other quarters, the common language of that

day was that our commerce and our seamen were entitled to protection, and that it was the duty of the Government to afford it at every hazard. The conduct of Great Britain, we were then told, was "an outrage upon our national independence." These clamors, which commenced as early as January, 1806, were continued up to 1812. In a message from the Governor of one of the New England States, as late as the tenth of October, 1811, this language is held: "A manly and decisive course has become indispensable; a course to satisfy foreign nations that, while we desire peace, we have the means and spirit to repel aggression. We are false to ourselves, when our commerce or our territory is invaded with impunity."

About this time, however, a remarkable change was observable in the tone and temper of those who had been endeavoring to force the country into war. The language of complaint was changed into that of insult, and calls for protection converted into reproaches. "Smoke, smoke!" says one writer; "my life on it, our Executive has no more idea of declaring war than my grandmother." "The committee of ways and means," says another, "have come out with their Pandora's box of taxes, and yet nobody dreams of war." "Congress does not mean to declare war; they dare not." But why multiply examples? An

honorable member of the other House, from the city of Boston,— Mr. Quincy,— in a speech delivered on the third of April, 1812, says, "Neither promises, nor threats, nor asseverations, nor oaths, will make me believe that you will go to war. The navigation States are sacrificed, and the spirit and character of the country prostrated by fear and avarice." "You cannot," said the same gentleman on another occasion, "be kicked into war."

Well, Sir, the war at length came; and what did we behold? The very men who had been for six years clamorous for war, and for whose protection it was waged, became at once equally clamorous against it. They had received a miraculous visitation; a new light suddenly beamed upon their minds, the scales fell from their eyes, and it was discovered that the war was declared from "subserviency to France"; and that Congress and the Executive "had sold themselves to Napoleon"; that Great Britain had, in fact, "done us no essential injury"; that she was "the bulwark of our religion"; that "where she took one of our ships, she protected twenty"; and that, if Great Britain had impressed a few of our seamen, it was because "she could not distinguish them from her own." And so far did this spirit extend that a committee of the Massachusetts Legislature actually fell to calculation, and discovered, to their

infinite satisfaction, but to the astonishment of all the world beside, that only eleven Massachusetts sailors had been impressed. Never shall I forget the appeal that had been made to the sympathies of the South in behalf of the "thousands of impressed Americans" who had been torn from their families and friends and "immured in the floating dungeons of Britain." The most touching pictures were drawn of the hard condition of the American sailor, "treated like a slave,"—forced to fight the battles of his enemy,—"lashed to the mast, to be shot at like a dog." But, Sir, the very moment we had taken up arms in their defence, it was discovered that all these were mere "fictions of the brain"; and that the whole number in the State of Massachusetts was but eleven; and that even these had been "taken by mistake." Wonderful discovery! The Secretary of State had collected authentic lists of no less than six thousand impressed Americans. Lord Castlereagh himself acknowledged sixteen hundred. Calculations on the basis of the number found on board of the *Guerriere,* the *Macedonian,* the *Java,* and other British ships,—captured by the skill and gallantry of those heroes whose achievements are the treasured monuments of their country's glory,—fixed the number at seven thousand; and yet, it seems, Massachusetts has lost but eleven! Eleven Massachusetts sailors taken by mistake! A cause of

war indeed! Their ships too, the capture of which had threatened "universal bankruptcy": it was discovered that Great Britain was their friend and protector; "where she had taken one, she had protected twenty." Then was the discovery made that subserviency to France, hostility to commerce, "a determination on the part of the South and West to break down the Eastern States," and especially — as reported by a committee of the Massachusetts Legislature — "to force the sons of commerce to populate the wilderness" were the true causes of the war. But let us look a little farther into the conduct of the peace party of New England at that important crisis. Whatever difference of opinion might have existed as to the causes of the war, the country had a right to expect that, when once involved in the contest, all America would have cordially united in its support. Sir, the war effected in its progress a union of all parties at the South. But not so in New England; there, great efforts were made to stir up the minds of the people to oppose it. Nothing was left undone to embarrass the financial operations of the Government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the Union — to force the President from his seat. Yes, Sir, "the Island of Elba, or a halter!" were the alternatives they presented to the excellent and venerable

James Madison. Sir, the war was further opposed by openly carrying on illicit trade with the enemy, by permitting that enemy to establish herself on the very soil of Massachusetts, and by opening a free trade between Great Britain and America, with a separate custom-house — yes, Sir, those who cannot endure the thought that we should insist on a free trade in time of profound peace could, without scruple, claim and exercise the right of carrying on a free trade with the enemy in a time of war—and finally, by getting up the renowned "Hartford Convention," and preparing the way for an open resistance to the Government and a separation of the States. Sir, if I am asked for the proof of these things, I fearlessly appeal to contemporary history, to the public documents of the country, to the recorded opinion and acts of public assemblies, to the declaration and acknowledgments, since made, of the Executive and Legislature of Massachusetts herself.

DANIEL WEBSTER

Daniel Webster was born in New Hampshire, January 18, 1782. His education as a boy was scanty, but he managed to enter and graduate from Dartmouth College, receiving his degree in 1801. He then studied law, and began practice in Boscawen, but soon removed to Portsmouth. In 1813 he was elected to Congress as a Federalist, but his career was hardly successful at its beginning, and in 1816 he abandoned politics for the time and removed to Boston, where he soon gained prominence as a lawyer of marked ability. His speech at Plymouth in 1820, on the 200th anniversary of the landing of the Pilgrims, gave birth to his reputation as an orator, and this was finally confirmed by his address at the laying of the corner-stone of the Bunker Hill Monument. In 1823 Webster was elected to Congress as Representative for Massachusetts, and he at once took rank as the leading speaker of the House. In 1827 Webster was chosen as United States Senator, and in that position, except when in the Cabinet during Tyler's administration, he remained until his death. His most famous political battle was that with Hayne, when Webster skilfully chose his own ground of combat, drew his opponent thereto, and then proceeded to utterly defeat him. His long combat with Calhoun, extending over a period of seventeen years, was also a feature of his services in Congress. He was Secretary of State from 1841 to 1843. He died in 1852.

Webster was undoubtedly the greatest of American orators. His style was somewhat ponderous and his humor elephantine; but in command of language, in force of argument, in cogency of reasoning, and in skill of finding the weak point in the opposition he stands unequalled. He had the happy faculty of invariably making use of the right word, so that the substitution of any other would seem awkward

and forced. There was in his language a strain of rugged poetry, which at times gave it almost a defined rhythm.

Webster's *Works* were issued in 6 volumes in 1851. The best biographies of him are those by Curtis (1869), Harvey (*Reminiscences of Webster,* 1877), and Lodge (1883).

REPLY TO HAYNE

Webster.

No collection of the masterpieces of American oratory would be complete unless it included the famous speech which follows.

In this speech Webster runs the whole gamut of answering debate. Yet as an argument it lacks the merit of closeness, since the subject which is the professed reason of the speech is hardly touched upon. For this, however, it finds reason in the fact that the attack which called forth the masterly defence displayed the same catholic disregard for source. Altogether, the Reply to Hayne stands at the head of American eloquence in the branch of debate, and it is hardly probable that it will ever be surpassed in its kind.

MR. PRESIDENT: When the mariner has been tossed for many days in thick weather and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution before the Senate. [The Secretary read the resolution.]

We have thus heard, Sir, what the resolution

is which is actually before us for consideration ; and it will readily occur to every one that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has been entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present — everything, whether general or local, whether belonging to national politics or party politics — seems to have attracted more or less of the honorable member's attention, save only the resolution before the Senate. He has spoken of everything but the public lands ; they have escaped his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, Sir, was to be resumed on Thursday morning, it so happened that it would have been convenient for me to be elsewhere. The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, Sir, which he thus kindly informed us was coming, that we might stand out of the way or prepare ourselves to fall by it and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say

no more of its effect than that if nobody is found, after all, either killed or wounded, it is not the first time in the history of human affairs that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

The gentleman, Sir, in declining to postpone the debate, told the Senate, with the emphasis of his hand upon his heart, that there was something rankling *here* which he wished to relieve. [Mr. Hayne here disclaimed the use of the word *rankling.*] It would not, Mr. President, be safe for the honorable member to appeal to those around him upon the question whether he did in fact make use of that word. But he may have been unconscious of it. At any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet something *here,* he said, of which he wished to rid himself by an immediate reply. In this respect, Sir, I have a great advantage over the honorable gentleman. There is nothing *here,* Sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either, the consciousness of having been in the wrong. There is nothing, either originating *here* or now received *here* by the gentleman's shot. Nothing originating here, for I had not the slightest feeling of unkindness towards the honorable member. Some passages, it is true, had occurred

since our acquaintance in this body which I could have wished might have been otherwise; but I had used philosophy and forgotten them. I paid the honorable member the attention of listening with respect to his first speech; and when he sat down, though surprised, and I must even say astonished, at some of his opinions, nothing was further from my intention than to commence any personal warfare. Through the whole of the few remarks I made in answer I avoided, studiously and carefully, everything which I thought possible to be construed into disrespect. And, Sir, while there is thus nothing originating *here* which I have wished at any time, or now wish, to discharge, I must repeat also that nothing has been received *here* which *rankles,* or in any way gives me annoyance. I will not accuse the honorable member of violating the rules of civilized war; I will not say that he poisoned his arrows. But whether his shafts were, or were not, dipped in that which would have caused rankling if they had reached their destination, there was not, as it happened, strength enough in the bow to bring them to their mark. If he wishes now to gather up those shafts, he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.

The honorable member complained that I had slept on his speech. I must have slept on it, or

not slept at all. The moment the honorable member sat down, his friend from Missouri rose and, with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that the Senate should adjourn. Would it have been quite amiable in me, Sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious, if I could have thrust myself forward to destroy sensations thus pleasing? Was it not much better and kinder both to sleep upon them myself and to allow others the pleasure of sleeping upon them? But if it be meant, by sleeping upon his speech, that I took time to prepare a reply to it, it is quite a mistake. Owing to other engagements, I could not employ even the interval between the adjournment of the Senate and its meeting the next morning in attention to the subject of this debate. Nevertheless, Sir, the mere matter of fact is undoubtedly true. I did sleep on the gentleman's speech, and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible that in this respect also I possess some advantage over the honorable member, attributable, doubtless, to a cooler temperament on my part; for in truth I slept upon his speeches remarkably well.

But the gentleman inquires why he was made

the object of such a reply. Why was he singled out? If an attack has been made on the East, he, he assures us, did not begin it; it was made by the gentleman from Missouri. Sir, I answered the gentleman's speech because I happened to hear it; and because also I chose to give an answer to that speech which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible endorser before me; and it was my purpose to hold him liable, and to bring him to his just responsibility without delay. But, Sir, this interrogatory of the honorable member was only introductory to another. He proceeded to ask me whether I had turned upon him in this debate from the consciousness that I should find an overmatch if I ventured on a contest with his friend from Missouri. If, Sir, the honorable member, *modestiæ gratia,* had chosen thus to defer to his friend and to pay him a compliment, without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate and not at all ungrateful to my own feelings. I am not one of those, Sir, who esteem any tribute of regard, whether light or occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and manner of the gentleman's question forbid me

thus to interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, something of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put as if it were difficult for me to answer, whether I deemed the member from Missouri an overmatch for me in debate here. It seems to me, Sir, that this is extraordinary language, and an extraordinary tone, for the discussions of this body.

Matches and overmatches! Those terms are more applicable elsewhere than here and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a Senate, a Senate of equals, of men of individual honor and personal character and of absolute independence. We know no masters, we acknowledge no dictators. This is a hall for mutual consultation and discussion, not an arena for the exhibition of champions. I offer myself, Sir, as a match for no man; I throw the challenge of debate at no man's feet. But then, Sir, since the honorable member has put the question in a manner that calls for an answer, I will give him an answer; and I tell him that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri,

either alone or when aided by the arm of his friend from South Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say on the floor of the Senate. Sir, when uttered as matter of commendation or compliment, I should dissent from nothing which the honorable member might say of his friend. Still less do I put forth any pretensions of my own. But when put to me as a matter of taunt, I throw it back, and say to the gentleman that he could possibly say nothing less likely than such a comparison to wound my pride of personal character. The anger of its tone rescued the remark from intentional irony, which otherwise, probably, would have been its general acceptation. But, Sir, if it be imagined that by this mutual quotation and commendation : if it be supposed that by casting the characters of the drama, assigning to each his part, to one the attack, to another the cry of onset : or if it be thought that by a loud and empty vaunt of anticipated victory any laurels are to be won here : if it be imagined, especially, that any or all these things will shake any purpose of mine—I can tell the honorable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. Sir, I shall not allow

myself on this occasion—I hope on no occasion—to be betrayed into any loss of temper; but if provoked, as I trust I shall never be, into crimination and recrimination, the honorable member may perhaps find that in that contest there will be blows to take as well as blows to give, that others can state comparisons as significant at least as his own, and that his impunity may possibly demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources.

But, Sir, the Coalition! The Coalition! Ay, "the murdered Coalition!" The gentleman asks if I were led or frightened into this debate by the spectre of the Coalition. "Was it the ghost of the murdered Coalition," he exclaims, "which haunted the member from Massachusetts, and which, like the ghost of Banquo, would never down?" "The murdered Coalition!" Sir, this charge of a coalition, in reference to the late administration, is not original with the honorable member. It did not spring up in the Senate. Whether as a fact, as an argument, or as an embellishment, it is all borrowed. He adopts it, indeed, from a very low origin and a still lower present condition. It is one of the thousand calumnies with which the press teemed during an exciting political canvass. It was a charge of which there was not only no proof or probability,

but which was in itself wholly impossible to be true. No man of common information ever believed a syllable of it. Yet it was of that class of falsehoods which, by continued repetition through all the organs of detraction and abuse, are capable of misleading those who are already far misled, and of further fanning passion already kindling into flame. Doubtless it served in its day, and in greater or less degree, the end designed by it. Having done that, it has sunk into the general mass of stale and loathed calumnies. It is the very cast-off slough of a polluted and shameless press. Incapable of further mischief, it lies in the sewer, lifeless and despised. It is not now, Sir, in the power of the honorable member to give it dignity or decency by attempting to elevate it and to introduce it into the Senate. He cannot change it from what it is, an object of general disgust and scorn. On the contrary, the contact, if he choose to touch it, is more likely to drag him down, down to the place where it lies itself.

But, Sir, the honorable member was not, for other reasons, entirely happy in his allusion to the story of Banquo's murder and Banquo's ghost. It was not, I think, the friends, but the enemies of the murdered Banquo, at whose bidding his spirit would not down. The honorable gentleman is fresh in his reading of the English classics and can put me right if I am wrong ; but, according to my

poor recollection, it was at those who had begun with caresses and ended with foul and treacherous murder that the gory locks were shaken. The ghost of Banquo, like that of Hamlet, was "an honest ghost." It disturbed no innocent man. It knew where its appearance would strike terror, and who would cry out, "A ghost!" It made itself visible in the right quarter, and compelled the guilty and conscience-smitten, and none others, to start, with

> "Prythee, see there! behold! — look! lo!
> If I stand here, I saw him!"

Their eyeballs were seared (was it not so, Sir?) who had thought to shield themselves by concealing their own hand and laying the imputation of the crime on a low and hireling agency in wickedness; who had vainly attempted to stifle the workings of their own coward consciences by ejaculating through white lips and chattering teeth, "Thou canst not say I did it!" I have misread the great poet if those who had in no way partaken in the deed of death either found that they were, or feared that they should be, pushed from their stools by the ghost of the slain, or exclaimed to a spectre created by their own fears and their own remorse, "Avaunt, and quit our sight!"

There is another particular, Sir, in which the

honorable member's quick perception of resemblances might, I should think, have seen something in the story of Banquo making it not altogether a subject of the most pleasant contemplation. Those who murdered Banquo, what did they win by it? Substantial good? Permanent power? Or disappointment, rather, and sore mortification — dust and ashes, the common fate of vaulting ambition overleaping itself? Did not even-handed justice erelong commend the poisoned chalice to their lips? Did they not soon find that for another they had "'filed their mind"? that their ambition, though apparently for the moment successful, had but put a barren sceptre in their grasp? Ay, Sir,

> "a barren sceptre in their gripe,
> Thence to be wrenched with an unlineal hand,
> No son of theirs succeeding."

Sir, I need pursue the allusion no further. I leave the honorable gentleman to run it out at his leisure and to derive from it all the gratification it is calculated to administer. If he finds himself pleased with the associations and prepared to be quite satisfied, though the parallel should be entirely completed, I had almost said I .am satisfied also; but that I shall think of. Yes, Sir, I will think of that.

In the course of my observations the other day, Mr. President, I paid a passing tribute of respect

to a very worthy man, Mr. Dane of Massachusetts. It so happened that he drew the Ordinance of 1787 for the government of the Northwestern Territory. A man of so much ability, and so little pretence : of so great a capacity to do good, and so unmixed a disposition to do it for its own sake: a gentleman who had acted an important part, forty years ago, in a measure, the influence of which is still deeply felt in the very matter which was the subject of debate — might, I thought, receive from me a commendatory recognition. But the honorable member was inclined to be facetious on the subject. He was rather disposed to make it a matter of ridicule that I had introduced into the debate the name of one Nathan Dane, of whom he assures us he had never before heard. Sir, if the honorable member had never before heard of Mr. Dane, I am sorry for it. It shows him less acquainted with the public men of the country than I had supposed. Let me tell him, however, that a sneer from him at the mention of Mr. Dane is in bad taste. It may well be a high mark of ambition, Sir, either with the honorable gentleman or myself, to accomplish as much to make our names known to advantage and remembered with gratitude as Mr. Dane has accomplished. But the truth is, Sir, I suspect, that Mr. Dane lives a little too far north. He is of Massachusetts, and too near the North Star to be reached

by the honorable gentleman's telescope. If his sphere had happened to range south of Mason and Dixon's line, he might probably have come within the scope of his vision.

I spoke, Sir, of the Ordinance of 1787, which prohibits slavery, in all future times, northwest of the Ohio, as a measure of great wisdom and foresight and one which had been attended with highly beneficial and permanent consequences. I supposed that on this point no two gentlemen in the Senate could entertain different opinions. But the simple expression of this sentiment has led the gentleman, not only into a labored defence of slavery in the abstract and on principle, but also into a warm accusation against me, as having attacked the system of domestic slavery now existing in the Southern States. For all this there was not the slightest foundation in anything said or intimated by me. I did not utter a single word which any ingenuity could torture into an attack on the slavery of the South. I said only that it was highly wise and useful, in legislating for the Northwestern country while it was yet a wilderness, to prohibit the introduction of slaves; and I added that I presumed there was no reflecting and intelligent person in the neighboring State of Kentucky who would doubt that if the same prohibition had been extended, at the same early period, over that commonwealth, her strength and

population would at this day have been far greater than they are. If these opinions be thought doubtful, they are nevertheless, I trust, neither extraordinary nor disrespectful. They attack nobody and menace nobody. And yet, Sir, the gentleman's optics have discovered, even in the mere expression of this sentiment, what he calls the very spirit of the Missouri question! He represents me as making an onset on the whole South and manifesting a spirit which would interfere with and disturb their domestic condition!

Sir, this injustice no otherwise surprises me, than as it is committed here, and committed without the slightest pretence of ground for it. I say it only surprises me as being done here; for I know full well that it is, and has been, the settled policy of some persons in the South for years to represent the people of the North as disposed to interfere with them in their own exclusive and peculiar concerns. This is a delicate and sensitive point in Southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole South against Northern men or Northern measures. This feeling, always carefully kept alive, and maintained at too intense a heat to admit discrimination or reflection, is a lever of great power in our political machine. It moves vast bodies, and gives to them one and the same direc-

tion. But it is without adequate cause, and the suspicion which exists is wholly groundless. There is not, and never has been, a disposition in the North to interfere with these interests of the South. Such interference has never been supposed to be within the power of government, nor has it been in any way attempted. The slavery of the South has always been regarded as a matter of domestic policy, left with the States themselves, and with which the Federal Government had nothing to do. Certainly, Sir, I am, and ever have been of that opinion. The gentleman, indeed, argues that slavery, in the abstract, is no evil. Most assuredly I need not say I differ with him, altogether and most widely, on that point. I regard domestic slavery as one of the greatest evils, both moral and political. But whether it be a malady, and whether it be curable, and if so, by what means: or, on the other hand, whether it be the *vulnus immedicabile* of the social system: I leave it to those whose right and duty it is to inquire and decide. And this, I believe, Sir, is, and uniformly has been, the sentiment of the North. Let us look a little at the history of this matter.

When the present Constitution was submitted for the ratification of the people, there were those who imagined that the power of the government which it proposed to establish might, in some

possible mode, be exerted in measures tending to the abolition of slavery. This suggestion would of course attract much attention in the Southern conventions. In that of Virginia, Governor Randolph said:

"I hope there is none here who, considering the subject in the calm light of philosophy, will make an objection dishonorable to Virginia; that, at the moment that they are securing the rights of their citizens, an objection is started that there is a spark of hope that those unfortunate men now held in bondage may, by the operation of the general government, be made free."

At the very first Congress, petitions on the subject were presented, if I mistake not, from different States. The Pennsylvania society for promoting the abolition of slavery took a lead, and laid before Congress a memorial, praying Congress to promote the abolition by such powers as it possessed. This memorial was referred, in the House of Representatives, to a select committee, consisting of Mr. Foster of New Hampshire, Mr. Gerry of Massachusetts, Mr. Huntington of Connecticut, Mr. Lawrence of New York, Mr. Sinnickson of New Jersey, Mr. Hartley of Pennsylvania, Mr. Parker of Virginia — all of them, Sir, as you will observe, Northern men but the last. This committee made a report, which was referred to a committee of the whole House, and there consid-

ered and discussed for several days; and being amended, although without material alteration, it was made to express three distinct propositions on the subject of slavery and the slave-trade. First, in the words of the Constitution, that Congress could not, prior to the year 1808, prohibit the migration or importation of such persons as any of the States then existing should think proper to admit; and, secondly, that Congress had authority to restrain the citizens of the United States from carrying on the African slave-trade for the purpose of supplying foreign countries. On this proposition our early laws against those who engage in that traffic are founded. The third proposition, and that which bears on the present question, was expressed in the following terms:

"*Resolved,* That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the States; it remaining with the several States alone to provide rules and regulations therein which humanity and true policy may require."

This resolution received the sanction of the House of Representatives so early as March, 1790. And now, Sir, the honorable member will allow me to remind him that not only were the select committee who reported the resolution, with a single exception, all Northern men, but also that, of the members then composing the House of

Representatives a large majority, I believe nearly two thirds, were Northern men also.

The House agreed to insert these resolutions in its journal; and from that day to this it has never been maintained or contended at the North that Congress had any authority to regulate or interfere with the condition of slaves in the several States. No Northern gentleman, to my knowledge, has moved any such question in either House of Congress.

The fears of the South, whatever fears they might have entertained, were allayed and quieted by this early decision, and so remained till they were excited afresh, without cause, but for collateral and indirect purposes. When it became necessary, or was thought so, by some political persons, to find an unvarying ground for the exclusion of Northern men from confidence and from lead in the affairs of the Republic, then, and not till then, the cry was raised, and the feeling industriously excited, that the influence of Northern men in the public counsels would endanger the relation of master and slave. For myself, I claim no other merit than that this gross and enormous injustice towards the whole North has not wrought upon me to change my opinions or my political conduct. I hope I am above violating my principles, even under the smart of injury and false imputations. Unjust suspicions and undeserved

reproach, whatever pain I may experience from them, will not induce me, I trust, to overstep the limits of constitutional duty or to encroach on the rights of others. The domestic slavery of the Southern States I leave where I find it, in the hands of their own governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under this Federal Government. We know, Sir, that the representation of the States in the other House is not equal. We know that great advantage in that respect is enjoyed by the slave-holding States; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal, the habit of the Government being almost invariably to collect its revenue from other sources and in other modes. Nevertheless, I do not complain; nor would I countenance any movement to alter this arrangement of representation. It is the original bargain, the compact; let it stand; let the advantage of it be fully enjoyed. The Union itself is too full of benefit to be hazarded in propositions for changing its original basis. I go for the Constitution as it is, and for the Union as it is. But I am resolved not to submit in silence to accusations, either against myself individually or against the North, wholly unfounded and unjust;

accusations which impute to us a disposition to evade the constitutional compact and to extend the power of the Government over the internal laws and domestic conditions of the States. All such accusations, wherever and whenever made, all insinuations of the existence of any such purposes, I know and feel to be groundless and injurious. And we must confide in Southern gentlemen themselves; we must trust to those whose integrity of heart and magnanimity of feeling will lead them to a desire to maintain and disseminate truth, and who possess the means of its diffusion with the Southern public; we must leave it to them to disabuse that public of its prejudices. But in the meantime, for my own part, I shall continue to act justly, whether those towards whom justice is exercised receive it with candor or with contumely.

Having had occasion to refer to the Ordinance of 1787 in order to defend myself against the inferences which the honorable member has chosen to draw from my former observations on that subject, I am not willing now entirely to take leave of it without another remark. It need hardly be said that that paper expresses just sentiments on the great subject of civil and religious liberty. Such sentiments were common, and abound in all our State papers of that day. But this Ordinance did that which was not so common, and which is

not even now universal; that is, it set forth and declared it to be a high and binding duty of the Government itself to support schools and advance the means of education, on the plain reason that religion, morality, and knowledge are necessary to good government and to the happiness of mankind. One observation further. The important provision incorporated into the Constitution of the United States and into several of those of the States, and recently, as we have seen, adopted into the reformed Constitution of Virginia, restraining legislative power in questions of private right and from impairing the obligation of contracts, is first introduced and established, as far as I am informed, as matter of express written constitutional law, in this Ordinance of 1787. And I must add also in regard to the author of the Ordinance, who has not had the happiness to attract the gentleman's notice heretofore nor to avoid his sarcasm now, that he was chairman of that select committee of the old Congress whose report first expressed the strong sense of that body that the old Confederation was not adequate to the exigencies of the country, and recommended to the States to send delegates to the convention which formed the present Constitution.

An attempt has been made to transfer from the North to the South the honor of this exclusion of slavery from the Northwestern Territory. The

journal, without argument or comment, refutes such attempts. The cession by Virginia was made in March, 1784. On the 19th of April following, a committee, consisting of Messrs. Jefferson, Chase, and Howell, reported a plan for a temporary government of the territory, in which was this article: "That, after the year 1800, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes whereof the party shall have been convicted." Mr. Spaight of North Carolina moved to strike out this paragraph. The question was put, according to the form then practised: Shall these words stand as a part of the plan? New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, seven States, voted in the affirmative; Maryland, Virginia, and South Carolina, in the negative. North Carolina was divided. As the consent of nine States was necessary, the words could not stand, and were struck out accordingly. Mr. Jefferson voted for the clause, but was overruled by his colleagues.

In March of the next year (1785), Mr. King of Massachusetts, seconded by Mr. Ellery of Rhode Island, proposed the formerly rejected article, with this addition: "And that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original States and each of the States described in

the resolve." On this clause, which provided the adequate and thorough security, the eight Northern States at that time voted affirmatively, and the four Southern States negatively. The votes of nine States were not yet obtained, and thus the provision was again rejected by the Southern States. The perseverance of the North held out, and two years afterwards the object was attained. It is no derogation from the credit, whatever that may be, of drawing the Ordinance, that its principles had before been prepared and discussed, in the form of resolutions. If one should reason in that way, what would become of the distinguished honor of the author of the Declaration of Independence? There is not a sentiment in that paper which had not been voted and resolved in the assemblies and other popular bodies in the country, over and over again.

But the honorable member has now found out that this gentleman, Mr. Dane, was a member of the Hartford Convention. However uninformed the honorable member may be of characters and occurrences at the North, it would seem that he has at his elbow, on this occasion, some high-minded and lofty spirit, some magnanimous and true-hearted monitor, possessing the means of local knowledge, and ready to supply the honorable member with everything, down even to forgotten and moth-eaten two-penny pamphlets, which may be used

to the disadvantage of his own country. But as to the Hartford Convention, Sir, allow me to say that the proceedings of that body seem now to be less read and studied in New England than farther South. They appear to be looked to not in New England, but elsewhere, for the purpose of seeing how far they may serve as a precedent. But they will not answer the purpose; they are quite too tame. The latitude in which they originated was too cold. Other conventions, of more recent existence, have gone a whole bar's length beyond it. The learned doctors of Colleton and Abbeville have pushed their commentaries on the Hartford collect so far that the original text-writers are thrown entirely into the shade. I have nothing to do, Sir, with the Hartford Convention. Its journal, which the gentleman has quoted, I never read. So far as the honorable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions to which I have alluded, or so far as those proceedings can be shown to be disloyal to the Constitution or tending to disunion, so far I shall be as ready as any one to bestow on them reprehension and censure.

Having dwelt long on that convention and other occurrences of that day, in the hope, probably (which will not be gratified), that I should leave the course of this debate to follow him at length in

these excursions, the honorable member returned, and attempted another object. He referred to a speech of mine in the other House, the same which I had occasion to allude to myself the other day, and has quoted a passage or two from it, with a bold, though uneasy and laboring, air of confidence, as if he had detected in me an inconsistency. Judging from the gentleman's manner, a stranger to the course of the debate and to the point in discussion would have imagined, from so triumphant a tone, that the honorable member was about to overwhelm me with a manifest contradiction. Any who heard him, and who had not heard what I had in fact previously said, must have thought me routed and discomfited, as the gentleman had promised. Sir, a breath blows all this triumph away. There is not the slightest difference in the purport of my remarks on the two occasions. What I said here on Wednesday is in exact accordance with the opinion expressed by me in the other House in 1825. Though the gentleman had the metaphysics of Hudibras, though he were able

> "to sever and divide
> A hair 'twixt north and northwest side,"

he yet could not insert his metaphysical scissors between the fair reading of my remarks in 1825 and what I said here last week. There is not only no contradiction, no difference, but, in truth, too

exact a similarity, both in thought and language, to be entirely in just taste. I had myself quoted the same speech, had recurred to it, and spoke with it open before me ; and much of what I said was little more than a repetition from it. In order to make finishing work with this alleged contradiction, permit me to recur to the origin of this debate and review its course. This seems expedient, and may be done as well now as at any time.

Well, then, its history is this. The honorable member from Connecticut moved a resolution, which constitutes the first branch of that which is now before us : that is to say, a resolution instructing the committee on public lands to inquire into the expediency of limiting, for a certain period, the sales of the public lands to such as have heretofore been offered for sale, and whether sundry offices connected with the sale of the lands might not be abolished without detriment to the public service. In the progress of the discussion which arose on this resolution, an honorable member from New Hampshire moved to amend the resolution so as entirely to reverse its object : that is, to strike it all out, and insert a direction to the committee to inquire into the expediency of adopting measures to hasten the sales, and extend more rapidly the surveys, of the lands.

The honorable member from Maine suggested that both these propositions might well enough

go for consideration to the committee ; and in this state of the question, the member from South Carolina addressed the Senate in his first speech. He rose, he said, to give us his own free thoughts on the public lands. I saw him rise with pleasure, and listened with expectation, though before he concluded I was filled with surprise. Certainly, I was never more surprised than to find him following up, to the extent he did, the sentiments and opinion which the gentleman from Missouri had put forth, and which it is known he has long entertained.

I need not repeat at large the general topics of the honorable gentleman's speech. When he said yesterday that he did not attack the Eastern States, he certainly must have forgotten, not only particular remarks, but the whole drift and tenor of his speech ; unless he means, by not attacking, that he did not commence hostilities, but that another had preceded him in the attack. He, in the first place, disapproved of the whole course of the Government, for forty years, in regard to its disposition of the public lands ; and then, turning northward and eastward, and fancying he had found a cause for alleged narrowness and niggardliness in the "accursed policy" of the tariff, to which he represented the people of New England as wedded, he went on for a full hour with remarks, the whole scope of which was to exhibit

the results of this policy in feelings and in measures unfavorable to the West. I thought his opinions unfounded and erroneous, as to the general course of the Government, and ventured to reply to them.

The gentleman had remarked on the analogy of other cases, and quoted the conduct of European governments towards their own subjects settling on this continent, as in point, to show that we had been harsh and rigid in selling, when we should have given the public lands to settlers without price. I thought the honorable member had suffered his judgment to be betrayed by a false analogy ; that he was struck with an appearance of resemblance where there was no real similitude. I think so still. The first settlers of North America were enterprising spirits, engaged in private adventure or fleeing from tyranny at home. When arrived here, they were forgotten by the mother country, or remembered only to be oppressed. Carried away again by the appearance of analogy, or struck with the eloquence of the passage, the honorable member yesterday observed that the conduct of Government towards the Western emigrants, or my representation of it, brought to his mind a celebrated speech in the British Parliament. It was, Sir, the speech of Colonel Barre. On the question of the Stamp Act, or tea tax, I forget which, Colonel Barre had heard a member on the

Treasury bench argue that the people of the United States, being British colonists, planted by the maternal care, nourished by the indulgence, and protected by the arms of England, would not grudge their mite to relieve the mother country from the heavy burden under which she groaned. The language of Colonel Barre in reply to this was: "They planted by your care? They fled from your tyranny, and grew by your neglect of them. So soon as you began to care for them, you showed your care by sending persons to spy out their liberties, misrepresent their character, prey upon them, and eat out their substance."

And how does the honorable gentleman mean to maintain that language like this is applicable to the conduct of the Government of the United States towards the Western emigrants, or to any representation given by me of that conduct? Were the settlers in the West driven thither by our oppression? Have they flourished only by our neglect of them? Has the Government done nothing but prey upon them and eat out their substance? Sir, this fervid eloquence of the British speaker, just when and where it was uttered, and fit to remain an exercise for the schools, is not a little out of place, when it is brought thence to be applied here to the conduct of our own country towards her own citizens. From America to England, it may be true; from Americans to their

own Government, it would be strange language. Let us leave it to be recited and declaimed by our boys against a foreign nation; not introduce it here, to recite and declaim ourselves against our own.

But I come to the point of the alleged contradiction. In my remarks on Wednesday, I contended that we could not give away gratuitously all the public lands; that we held them in trust; that the Government had solemnly pledged itself to dispose of them as a common fund for the common benefit, and to sell and settle them as its discretion should dictate. Now, Sir, what contradiction does the gentleman find to this sentiment in the speech of 1825? He quotes me as having then said that we ought not to hug those lands as a very great treasure. Very well, Sir, supposing me to be accurately reported in that expression, what is the contradiction? I have not now said that we should hug these lands as a favorite source of pecuniary income. No such thing. It is not my view. What I have said, and what I do say, is that they are a common fund, to be disposed of for the common benefit, to be sold at low prices for the accommodation of settlers, keeping the object of settling the lands as much in view as that of raising money from them. This I say now, and this I have always said. Is this hugging them as a favorite treasure? Is there no difference

between hugging and hoarding this fund, on the one hand, as a great treasure, and, on the other, of disposing of it at low prices, placing the proceeds in the general treasury of the Union? My opinion is, that as much is to be made of the land as fairly and reasonably may be, selling it all the while at such rates as to give the fullest effect to settlement. This is not giving it all away to the States, as the gentleman would propose; nor is it hugging the fund closely and tenaciously, as a favorite treasure; but it is, in my judgment, a just and wise policy, perfectly according with all the various duties which rest on the Government. So much for my contradiction. And what is it? Where is the ground of the gentleman's triumph? What inconsistency in word or doctrine has he been able to detect? Sir, if this be a sample of that discomfiture with which the honorable gentleman threatened me, commend me to the word *discomfiture* for the rest of my life.

But, after all, this is not the point of the debate; and I must now bring the gentleman back to what is the point.

The real question between me and him is, Has the doctrine been advanced at the South or the East, that the population of the West should be retarded, or at least need not be hastened, on account of its effect to drain off the people from the Atlantic States? Is this doctrine, as has been

alleged, of Eastern origin? That is the question. Has the gentleman found anything by which he can make good his accusation? I submit to the Senate that he has entirely failed; and, as far as this debate has shown, the only person who has advanced such sentiments is a gentleman from South Carolina and a friend of the honorable member himself. The honorable gentleman has given no answer to this; there is none which can be given. The simple fact, while it requires no comment to enforce it, defies all argument to refute it. I could refer to the speeches of another Southern gentleman, in years before, of the same general character, and to the same effect, as that which has been quoted; but I will not consume the time of the Senate by the reading of them.

So then, Sir, New England is guiltless of the policy of retarding Western population, and of all envy and jealousy of the growth of the new States. Whatever there be of that policy in the country, no part of it is hers. If it has a local habitation, the honorable member has probably seen by this time where to look for it; and if it has now received a name, he has himself christened it.

We approach, at length, Sir, to a more important part of the honorable gentleman's observations. Since it does not accord with my views of justice and policy to give away the public lands altogether, as a mere matter of gratuity, I am asked

by the honorable gentleman on what ground it is that I consent to vote them away in particular instances. How, he inquires, do I reconcile with these professed sentiments my support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers, and particular institutions of education in the West? This leads, Sir, to the real and wide difference in political opinion between the honorable gentleman and myself. On my part, I look upon all these objects as connected with the common good, fairly embraced in its object and its terms; he, on the contrary, deems them all, if good at all, only local good. This is our difference. "What interest," asks he, "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It develops the gentleman's whole political system; and its answer expounds mine. Here we differ. I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise, and this is the key to his construction of the powers of the Government. He may well ask what interest has South Carolina in a canal in Ohio. On his system, it is true, she has no interest. On that system, Ohio and Carolina are different govern-

ments, and different countries; connected here, it is true, by some slight and ill-defined bond of union, but in all main respects separate and diverse. On that system Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusion of his own doctrines; he only announces the true result of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio.

Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States, not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; States, united under the same general government, having interests common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this Government, we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains and lines of latitude to find boundaries, beyond which public improvements do not benefit

us. We who come here, as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard with an equal eye the good of the whole, in whatever is within our powers of legislation. Sir, if a railroad or canal, beginning in South Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing as I do that the power of Government extends to the encouragement of works of that description, if I were to stand up here and ask, "What interest has Massachusetts in a railroad in South Carolina?" I should not be willing to face my constituents. These same narrow-minded men would tell me that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part.

Sir, I do not desire to enlarge the powers of the Government by unjustifiable construction, nor to exercise any, not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole. So far as respects the exercise of such a power, the States are one. It was the very object of the Constitution to create unity of interests to the extent of

the powers of the general Government. In war and peace we are one; in commerce, one; because the authority of the general Government reaches to war and peace and to the regulation of commerce. I have never seen any more difficulty in erecting lighthouses on the lakes than on the ocean; in improving the harbors of inland seas than if they were within the ebb and flow of the tide; or in removing obstructions in the vast streams of the West more than in any work to facilitate commerce on the Atlantic coast. If there be any power for one, there is power also for the other; and they are all and equally for the common good of the country.

There are other objects, apparently more local, or the benefit of which is less general, towards which, nevertheless, I have concurred with others to give aid by donations of land. It is proposed to construct a road in or through one of the new States, in which the Government possesses large quantities of land. Have the United States no right, or, as a great and untaxed proprietor, are they under no obligation to contribute to an object thus calculated to promote the common good of all the proprietors, themselves included? And even with respect to education, which is the extreme case, let the question be considered. In the first place, as we have seen, it was made matter of compact with these States that they

should do their part to promote education. In the next place, our whole system of land laws proceeds on the idea that education is for the common good; because, in every division, a certain portion is uniformly reserved and appropriated for the use of schools. And, finally, have not these new States singularly strong claims, founded on the ground already stated, that the Government is a great untaxed proprietor, in the ownership of the soil? It is a consideration of great importance that probably there is in no part of the country or of the world so great call for the means of education as in these new States, owing to the vast numbers of persons within those ages in which education and instruction are usually received, if received at all. This is the natural consequence of recency of settlement and rapid increase. The census of these States shows how great a proportion of the whole population occupies the classes between infancy and manhood. These are the wide fields, and here is the deep and quick soil for the seeds of knowledge and virtue; and this is the favored season, the very springtime for sowing them. Let them be disseminated without stint. Let them be scattered with a bountiful hand, broadcast. Whatever the Government can fairly do towards these objects, in my opinion, ought to be done.

These, Sir, are the grounds, succinctly stated,

on which my votes for grants of lands for particular objects rest; while I maintain, at the same time, that it is all a common fund, for the common benefit. And reasons like these, I presume, have influenced the votes of other gentlemen from New England. Those who have a different view of the powers of the Government, of course, come to different conclusions on these, as on other questions. I observed, when speaking on this subject before, that if we looked to any measure, whether for a road, a canal, or anything else, intended for the improvement of the West, it would be found that if the New England *ayes* were struck out of the lists of votes, the Southern *noes* would always have rejected the measure. The truth of this has not been denied, and cannot be denied. In stating this, I thought it just to ascribe it to the constitutional scruples of the South, rather than to any other less favorable or less charitable cause. But no sooner had I done this than the honorable gentleman asks if I reproach him and his friends with their constitutional scruples. Sir, I reproach nobody. I stated a fact, and gave the most respectful reason for it that occurred to me. The gentleman cannot deny the fact; he may, if he choose, disclaim the reason. It is not long since I had occasion, in presenting a petition from his own State, to account for its being intrusted to my hands by saying that the constitutional

opinions of the gentleman and his worthy colleague prevented them from supporting it. Sir, did I state this as a matter of reproach? Far from it. Did I attempt to find any other cause than an honest one for these scruples? Sir, I did not. It did not become me to doubt or to insinuate that the gentleman had either changed his sentiments, or that he had made up a set of constitutional opinions accommodated to any particular combination of political occurrences. Had I done so, I should have felt that, while I was entitled to little credit in thus questioning other people's motives, I justified the whole world in suspecting my own. But how has the gentleman returned this respect for others' opinions? His own candor and justice, how have they been exhibited towards the motives of others, while he has been at so much pains to maintain, what nobody has disputed, the purity of his own? Why, Sir, he has asked when, and how, and why New England votes were found going for measures favorable to the West. He has demanded to be informed whether all this did not begin in 1825, and while the election of President was still pending.

Sir, to these questions retort would be justified; and it is both cogent and at hand. Nevertheless, I will answer the inquiry not by retort, but by facts. I will tell the gentleman when, and how, and why New England has supported measures

favorable to the West. I have already referred to the early history of the Government, to the first acquisition of the lands, to the original laws for disposing of them, and for governing the territories where they lie, and have shown the influence of New England men and New England principles in all these leading measures. I should not be pardoned were I to go over that ground again. Coming to more recent times and to measures of a less general character, I have endeavored to prove that everything of this kind, designed for Western improvement, has depended on the votes of New England; all this is true beyond the power of contradiction. And now, Sir, there are two measures to which I will refer, not so ancient as to belong to the early history of the public lands, and not so recent as to be on this side of the period when the gentleman charitably imagines a new direction may have been given to New England feeling and New England votes. These measures, and the New England votes in support of them, may be taken as samples and specimens of all the rest.

In 1820 (observe, Mr. President, in 1820) the people of the West besought Congress for a reduction in the price of lands. In favor of that reduction New England, with a delegation of forty members in the other House, gave thirty-three votes, and one only against it. The four South-

ern States, with more than fifty members, gave thirty-two votes for it, and seven against it. Again, in 1821 (observe again, Sir, the time) the law passed for the relief of the purchasers of the public lands. This was a measure of vital importance to the West, and more especially to the Southwest. It authorized the relinquishment of contracts for lands which had been entered into at high prices, and a reduction in other cases of not less than thirty-seven and a half per cent. on the purchase-money. Many millions of dollars, six or seven, I believe, probably much more, were relinquished by this law. On this bill New England, with her forty members, gave more affirmative votes than the four Southern States, with their fifty-two or fifty-three members. These two are far the most important general measures respecting the public lands which have been adopted within the last twenty years. They took place in 1820 and in 1821. That is the *time when.*

As to the *manner how,* the gentleman already sees that it was by voting in solid column for the required relief; and, lastly, as to the *cause why,* I tell the gentleman it was because the members from New England thought the measures just and salutary; because they entertained towards the West neither envy, hatred, nor malice; because they deemed it becoming them, as just and enlightened public men, to meet the exigency which

had arisen in the West with the appropriate measure of relief; because they felt it due to their own characters, and the characters of their New England predecessors in this Government, to act towards the new States in the spirit of a liberal, patronizing, magnanimous policy. So much, Sir, for the *cause why;* and I hope that by this time, Sir, the honorable gentleman is satisfied; if not, I do not know when, or how, or why he ever will be.

Having recurred to these two important measures in answer to the gentleman's inquiries, I must now beg permission to go back to a period somewhat earlier, for the purpose of still further showing how much, or rather how little, reason there is for the gentleman's insinuation that political hopes or fears of party associations were the grounds of these New England votes. And after what has been said, I hope it may be forgiven me if I allude to some political opinions and votes of my own, of very little public importance certainly, but which, from the time at which they were given and expressed, may pass for good witnesses on this occasion.

This Government, Mr. President, from its origin to the peace of 1815, had been too much engrossed with various other important concerns to be able to turn its thoughts inward and look to the development of its vast internal resources. In the

early part of President Washington's administration, it was fully occupied with completing its own organization, providing for the public debt, defending the frontiers, and maintaining domestic peace. Before the termination of that administration, the fires of the French Revolution blazed forth as from a new-opened volcano, and the whole breadth of the ocean did not secure us from its effects. The smoke and the cinders reached us, though not the burning lava. Difficult and agitating questions, embarrassing to Government and dividing public opinion, sprang out of the new state of our foreign relations, and were succeeded by others, and yet again by others, equally embarrassing and equally exciting division and discord, through the long series of twenty years, till they finally issued in the war with England. Down to the close of that war, no distinct, marked, and deliberate attention had been given, or could have been given, to the internal condition of the country, its capacities of improvement, or the constitutional power of the Government in regard to objects connected with such improvement.

The peace, Mr. President, brought about an entirely new and a most interesting state of things; it opened to us other prospects and suggested other duties. We ourselves were changed, and the whole world was changed. The pacification of Europe, after June, 1815, assumed a firm and

permanent aspect. The nations evidently manifested that they were disposed for peace. Some agitation of the waves might be expected, even after the storm had subsided; but the tendency was, strongly and rapidly, towards settled repose.

It so happened, Sir, that I was at that time a member of Congress, and, like others, naturally turned my thoughts to the contemplation of the recently altered condition of the country and of the world. It appeared plainly enough to me, as well as to wiser and more experienced men, that the policy of the Government would naturally take a start in a new direction, because new directions would necessarily be given to the pursuits and occupations of the people. We had pushed our commerce far and fast, and under the advantage of a neutral flag. But there were now no longer flags either neutral or belligerent. The harvest of neutrality had been great, but we had gathered it all. With the peace of Europe it was obvious there would spring up in her circle of nations a revived and invigorated spirit of trade and a new activity in all the business and objects of civilized life. Hereafter, our commercial gains were to be earned only by success in a close and intense competition. Other nations would produce for themselves, and carry for themselves, and manufacture for themselves, to the full extent of their abilities. The crops of our plains would no longer sustain

European armies, nor our ships longer supply those whom war had rendered unable to supply themselves. It was obvious that, under these circumstances, the country would begin to survey itself and to estimate its own capacity for improvement.

And this improvement — how was it to be accomplished, and who was to accomplish it? We were ten or twelve millions of people, spread over almost half a world. We were more than twenty States, some stretching along the same seaboard, some along the same line of inland frontier, and others on the opposite banks of the same vast rivers. Two considerations at once presented themselves with great force in looking at this state of things. One was, that that great branch of improvement which consisted in furnishing new facilities of intercourse necessarily ran into different States in every leading instance, and would benefit the citizens of all such States. No one State, therefore, in such cases, would assume the whole expense, nor was the coöperation of several States to be expected. Take the instance of the Delaware breakwater. It will cost several millions of money. Would Pennsylvania alone ever have constructed it? Certainly never, while this Union lasts, because it is not for her sole benefit. Would Pennsylvania, Delaware, and New Jersey have united to accomplish it at their joint expense? Certainly not, for the same reason. It could not

be done, therefore, but by the general Government. The same may be said of the large inland undertakings, except that in them Government, instead of bearing the whole expense, coöperates with others who bear a part. The other consideration is, that the United States have the means. They enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The custom-houses fill the general treasury, while the States have scanty resources, except by resort to heavy direct taxes.

Under this view of things, I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs. It may not savor too much of self-commendation to remark that, with this object, I considered the Constitution, its judicial construction, its contemporaneous exposition, and the whole history of the legislation of Congress under it; and I arrived at the conclusion that Government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as Internal Improvements. That conclusion, Sir, may have been right, or it may have been wrong. I am not about to argue the grounds of it at large. I say only that it was adopted and acted on even as early as 1816. Yes, Mr. President, I made up my opinion, and determined on my intended course of political

conduct, on these subjects, in the Fourteenth Congress, in 1816. And now, Mr. President, I have further to say that I made up these opinions and entered on this course of political conduct, *Teucro duce*. Yes Sir, I pursued in all this a South Carolina track on the doctrine of internal improvements. South Carolina, as she was then represented in the other House, set forth in 1816 under a fresh and leading breeze, and I was among the followers. But if my leader sees new lights, and turns a sharp corner, unless I see new lights also I keep straight on in the same path. I repeat that leading gentlemen from South Carolina were first and foremost in behalf of the doctrine of internal improvements, when those doctrines came first to be considered and acted upon in Congress. The debate on the bank question, on the tariff of 1816, and on the direct tax, will show who was who, and what was what, at that time.

The tariff of 1816 (one of the plain cases of oppression and usurpation, from which if the Government does not recede, individual States may justly secede from the Government) is, Sir, in truth, a South Carolina tariff, supported by South Carolina votes. But for those votes, it could not have passed in the form in which it did pass; whereas, if it had depended on Massachusetts votes, it would have been lost. Does not the honorable gentleman well know all this? There

are certainly those who do full well know it all. I do not say this to reproach South Carolina. I only state the fact; and I think it will appear to be true that among the earliest and boldest advocates of the tariff, as a measure of protection, and on the express ground of protection, were leading gentlemen of South Carolina in Congress. I did not then, and cannot now, understand their language in any other sense. While this tariff of 1816 was under discussion in the House of Representatives, an honorable gentleman from Georgia, now of this House, moved to reduce the proposed duty on cotton. He failed, by four votes, South Carolina giving three votes, (enough to have turned the scale) against his motion. The Act, Sir, then passed and received on its passage the support of a majority of the Representatives of South Carolina present and voting. This Act is the first in the order of those now denounced as plain usurpations. We see it daily in the list by the side of those of 1824 and 1828, as a case of manifest oppression, justifying disunion. I put it home to the honorable member from South Carolina, that his own State was not only "art and part" in this measure, but the *causa causans*. Without her aid, this seminal principle of mischief, this root of Upas, could not have been planted. I have already said, and it is true, that this Act proceeded on the ground of protection. It interfered

directly with existing interests of great value and amount. It cut up the Calcutta cotton trade by the roots ; but it passed, nevertheless, and it passed on the principle of protecting manufactures, on the principle against free trade, on the principle opposed to that which lets us alone.

Such, Mr. President, were the opinions of important and leading gentlemen from South Carolina on the subject of internal improvement, in 1816. I went out of Congress the next year, and, returning again in 1823, thought I found South Carolina where I had left her. I really supposed that all things remained as they were, and that the South Carolina doctrine of internal improvements would be defended by the same eloquent voices and the same strong arms, as formerly. In the lapse of these six years, it is true, political associations had assumed a new aspect and new divisions. A strong party had arisen in the South hostile to the doctrine of internal improvements. Anti-consolidation was the flag under which this party fought ; and its supporters inveighed against internal improvements, much after the manner in which the honorable gentleman has now inveighed against them, as part and parcel of the system of consolidation. Whether this party arose in South Carolina itself, or in the neighborhood, is more than I know. I think the latter. However that may have been, there were those found in South

Carolina ready to make war upon it, and who did make intrepid war upon it. Names being regarded as things in such controversies, they bestowed on the anti-improvement gentlemen the appellation of Radicals. Yes, Sir, the appellation of Radicals, as a term of distinction applicable and applied to those who denied the liberal doctrines of internal improvement, originated, according to the best of my recollection, somewhere between North Carolina and Georgia. Well, Sir, these mischievous Radicals were to be put down, and the strong arm of South Carolina was stretched out to put them down. About this time I returned to Congress. The battle with the Radicals had been fought, and our South Carolina champions of the doctrines of internal improvement had nobly maintained their ground, and were understood to have achieved a victory. We looked upon them as conquerors. They had driven back the enemy with discomfiture, a thing, by the way, Sir, which is not always performed when it is promised. A gentleman to whom I have already referred in this debate had come into Congress, during my absence from it, from South Carolina, and had brought with him a high reputation for ability. He came from a school with which we had been acquainted, *et noscitur a sociis.* I hold in my hand, Sir, a printed speech of this distinguished gentleman, "On Internal Improvements,"

delivered about the period to which I now refer, and printed with a few introductory remarks upon Consolidation ; in which, Sir, I think he quite consolidated the arguments of his opponents, if to crush be to consolidate. I give you a short but significant quotation from these remarks. He is speaking of a pamphlet, then recently published, entitled "Consolidation" ; and, having alluded to the question of renewing the charter of the former Bank of the United States, he says :

"Moreover, in the early history of parties, and when Mr. Crawford advocated a renewal of the old charter, it was considered a Federal measure ; which internal improvement *never was,* as this author erroneously states. This latter measure originated in the administration of Mr. Jefferson, with the appropriation for the Cumberland Road ; and was first proposed, *as a system,* by Mr. Calhoun, and carried through the House of Representatives by a large majority of the Republicans, including almost every one of the leading men who carried us through the war."

So, then, internal improvement is not one of the Federal heresies. One paragraph more, Sir :

"The author in question, not content with denouncing as Federalists General Jackson, Mr. Adams, Mr. Calhoun, and the majority of the South Carolina delegation in Congress, modestly extends the denunciation to Mr. Monroe and the

whole Republican party. Here are his words: 'During the administration of Mr. Monroe much has passed which the Republican party would be glad to approve if they could! But the principal feature, and that which has chiefly elicited these observations, is the renewal of the System of Internal Improvements.' Now this measure was adopted by a vote of 116 to 86 of a Republican Congress, and sanctioned by a Republican President. Who, then, is this author, who assumes the high prerogative of denouncing, in the name of the Republican party, the Republican administration of the country? — a denunciation including within its sweep Calhoun, Lowndes, and Cheves, men who will be regarded as the brightest ornaments of South Carolina and the strongest pillars of the Republican party, as long as the late war shall be remembered and talents and patriotism shall be regarded as the proper objects of the admiration and gratitude of a free people!"

Such are the opinions, Sir, which were maintained by South Carolina gentlemen, in the House of Representatives, on the subject of internal improvements, when I took my seat there as a member from Massachusetts in 1823. But this is not all. We had a bill before us, and passed it in that House, entitled, "An Act to procure the necessary surveys, plans, and estimates upon the subject of roads and canals." It authorized the President to

cause surveys and estimates to be made of the routes of such roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail, and appropriated thirty thousand dollars out of the treasury to defray the expense. This Act, though preliminary in its nature, covered the whole ground. It took for granted the complete power of internal improvement, as far as any of its advocates had ever contended for it. Having passed the other House, the bill came up to the Senate, and was here considered and debated in April, 1824. The honorable member from South Carolina was a member of the Senate at that time. While the bill was under consideration here, a motion was made to add the following proviso: "*Provided,* That nothing herein contained shall be construed to affirm or admit a power in Congress, on their own authority, to make roads or canals within any of the States of the Union." The yeas and nays were taken on this proviso, and the honorable member voted in the negative! The proviso failed.

A motion was then made to add this proviso, namely: "*Provided,* That the faith of the United States is hereby pledged that no money shall ever be expended for roads or canals, except it shall be among the several States, and in the same proportion as direct taxes are laid and assessed by the

provisions of the Constitution." The honorable member voted against this proviso also, and it failed. The bill was then put on its passage, and the honorable member voted for it, and it passed, and became a law.

Now, it strikes me, Sir, that there is no maintaining these votes but upon the power of internal improvement, in its broadest sense. In truth, these bills for surveys and estimates have always been considered as test questions; they show who is for and who against internal improvement. This law itself went the whole length, and assumed the full and complete power. The gentleman's votes sustained that power, in every form in which the various propositions to amend it presented it. He went for the entire and unrestrained authority, without consulting the States, and without agreeing to any proportionate distribution. And now suffer me to remind you, Mr. President, that it is this very same power, thus sanctioned, in every form, by the gentleman's own opinion, which is so plain and manifest a usurpation that the State of South Carolina is supposed to be justified in refusing submission to any laws carrying the power into effect. Truly, Sir, is not this a little too hard? May we not crave some mercy, under favor and protection of the gentleman's own authority? Admitting that a road, or a canal, must be written down flat usurpation as

was ever committed, may we find no mitigation in our respect for his place and his vote, as one that knows the law ?

The tariff, which South Carolina had an efficient hand in establishing in 1816, and this asserted power of internal improvement, advanced by her in the same year and, as we have seen, approved and sanctioned by her Representatives in 1824 — these two measures are the great grounds on which she is now thought to be justified in breaking up the Union, if she sees fit to break it up !

I may now safely say, I think, that we have had the authority of leading and distinguished gentlemen from South Carolina in support of the doctrine of internal improvement. I repeat that, up to 1824, I for one followed South Carolina ; but when that star, in its ascension, veered off in an unexpected direction, I relied on its light no longer.

[Interpellation by the Vice-President, Mr. Calhoun : " Does the Chair understand the gentleman from Massachusetts to say that the person now occupying the Chair of the Senate has changed his opinions on the subject of internal improvements ? "]

From nothing ever said to me, Sir, have I had reason to know of any change in the opinions of the person filling the Chair of the Senate. If such change has taken place, I regret it. I speak generally of the State of South Carolina. Individuals

we know there are who hold opinions favorable to the power. An application for its exercise, in behalf of a public work in South Carolina itself, is now pending, I believe, in the other House, presented by members from that State.

I have thus, Sir, perhaps not without some tediousness of detail, shown, if I am in error on the subject of internal improvement, how, and in what company, I fell into that error. If I am wrong, it is apparent who misled me.

I go to other remarks of the honorable member; and I have to complain of an entire misapprehension of what I said on the subject of the national debt, though I can hardly perceive how any one could misunderstand me. What I said was, not that I wished to put off the payment of the debt, but, on the contrary, that I had always voted for every measure for its reduction, as uniformly as the gentleman himself. He seems to claim the exclusive merit of a disposition to reduce the public charge. I do not allow it to him. As a debt, I was, I am for paying it, because it is a charge on our finances and on the industry of our country. But I observed that I thought I perceived a morbid fervor on that subject, an excessive anxiety to pay off the debt, not so much because it is a debt simply, as because, while it lasts, it furnishes one objection to disunion. It is, while it continues, a tie of common interest. I did not impute such

motives to the honorable member himself, but that there is such a feeling in existence I have not a particle of doubt. The most I said was that if one effect of the debt was to strengthen our Union, that effect itself was not regretted by me, however much others might regret it. The gentleman has not seen how to reply to this otherwise than by supposing me to have advanced the doctrine that a national debt is a national blessing. Others, I must hope, will find much less difficulty in understanding me. I distinctly and pointedly cautioned the honorable member not to understand me as expressing an opinion favorable to the continuance of the debt. I repeated this caution, and repeated it more than once; but it was thrown away.

On yet another point, I was still more unaccountably misunderstood. The gentleman had harangued against "consolidation." I told him in reply that there was one kind of consolidation to which I was attached, and that was the consolidation of our Union; that this was precisely that consolidation to which I feared others were not attached, and that such consolidation was the very end of the Constitution, the leading object, as they had informed us themselves, which its framers had kept in view. I turned to their communication, and read their very words, "the consolidation of the Union," and expressed my

devotion to this sort of consolidation. I said, in terms, that I wished not in the slightest degree to augment the powers of this Government; that my object was to preserve, not to enlarge; and that by consolidating the Union I understood no more than the strengthening of the Union, and perpetuating it. Having been thus explicit, having thus read from the printed book the precise words which I adopted as expressing my own sentiments, it passes comprehension how any man could understand me as contending for an extension of the powers of the Government, or for consolidation in that odious sense in which it means an accumulation in the Federal Government of the powers properly belonging to the States.

I repeat, Sir, that in adopting the sentiment of the framers of the Constitution, I read their language audibly and word for word; and I pointed out the distinction, just as fully as I have now done, between the consolidation of the Union and that other obnoxious consolidation which I disclaimed. And yet the honorable member misunderstood me. The gentleman had said that he wished for no fixed revenue — not a shilling. If by a word he could convert the Capitol into gold, he would not do it. Why all this fear of revenue? Why, Sir, because, as the gentleman told us, it tends to consolidation. Now this can mean neither more nor less than that a common

revenue is a common interest, and that all common interests tend to preserve the union of the States. I confess I like that tendency; if the gentleman dislikes it, he is right in deprecating a shilling of fixed revenue. So much, Sir, for consolidation.

As well as I recollect the course of his remarks, the honorable gentleman next recurred to the subject of the tariff. He did not doubt the word must be of unpleasant sound to me, and proceeded, with an effort neither new nor attended with new success, to involve me and my votes in inconsistency and contradiction. I am happy the honorable gentleman has furnished me with an opportunity of a timely remark or two on that subject. I was glad he approached it, for it is a question I enter upon without fear from anybody. The strenuous toil of the gentleman has been to raise an inconsistency between my dissent to the tariff in 1824 and my vote in 1828. It is labor lost. He pays undeserved compliment to my speech in 1824; but this is to raise me high, that my fall, as he would have it, in 1828, may be more signal. Sir, there was no fall. Between the ground I stood on in 1824 and that I took in 1828 there was not only no precipice, but no declivity. It was a change of position to meet new circumstances, but on the same level. A plain tale explains the whole matter. In 1816 I had not

acquiesced in the tariff, then supported by South Carolina. To some parts of it especially I felt and expressed great repugnance. I held the same opinions in 1820, at the meeting at Faneuil Hall, to which the gentleman has alluded. I said then, and say now, that, as an original question, the authority of Congress to exercise the revenue power, with direct reference to the protection of manufactures, is a questionable authority, far more questionable, in my judgment, than the power of internal improvements. I must confess, Sir, that in one respect some impression has been made on my opinions lately. Mr. Madison's publication has put the power in a very strong light. He has placed it, I must acknowledge, upon grounds of construction and argument which seem impregnable. But even if the power were doubtful, on the face of the Constitution itself, it had been assumed and asserted in the first revenue law ever passed under that same Constitution, and on this ground, as a matter settled by contemporaneous practice, I had refrained from expressing the opinion that the tariff laws transcended constitutional limits, as the gentleman supposes. What I did say at Faneuil Hall, as far as I now remember, was that this was originally matter of doubtful construction. The gentleman himself, I suppose, thinks there is no doubt about it, and that the laws are plainly against the Constitution.

Mr. Madison's letters, already referred to, contain, in my judgment, by far the most able exposition extant of this part of the Constitution. He has satisfied me, so far as the practice of the Government had left it an open question.

With a great majority of the Representatives of Massachusetts, I voted against the tariff of 1824. My reasons were then given, and I will not now repeat them. But, notwithstanding our dissent, the great States of New York, Pennsylvania, Ohio, and Kentucky went for the bill in almost unbroken column, and it passed. Congress and the President sanctioned it, and it became the law of the land. What, then, were we to do? Our only option was, either to fall in with this settled course of public policy and accommodate ourselves to it as well as we could, or to embrace the South Carolina doctrine and talk of nullifying the statute by State interference.

This last alternative did not suit our principles, and of course we adopted the former. In 1827 the subject came again before Congress, on a proposition to afford some relief to the branch of wool and woollens. We looked upon the system of protection as being fixed and settled. The law of 1824 remained. It had gone into full operation, and, in regard to some objects intended by it, perhaps most of them, had produced all its expected effects. No man proposed to repeal it;

no man attempted to renew the general contest on its principle. But, owing to subsequent and unforeseen circumstances, the benefit intended by it to wool and woollen fabrics had not been realized. Events not known here when the law passed had taken place, which defeated its object in that particular respect. A measure was accordingly brought forward to meet this precise deficiency, to remedy this particular defect. It was limited to wool and woollens. Was ever anything more reasonable? If the policy of the tariff laws had become established in principle, as the permanent policy of the government, should they not be revised and amended, and made equal, like other laws, as exigencies should arise or justice require? Because we had doubted about adopting the system, were we to refuse to cure its manifest defects, after it had been adopted and when no one attempted its repeal? And this, Sir, is the inconsistency so much bruited. I had voted against the tariff of 1824, but it passed; and in 1827 and 1828 I voted to amend it, in a point essential to the interest of my constituents. Where is the inconsistency? Could I do otherwise? Sir, does political consistency consist in always giving negative votes? Does it require of a public man to refuse to concur in amending laws, because they passed against his consent? Having voted against the tariff originally, does

consistency demand that I should do all in my power to maintain an unequal tariff, burdensome to my constituents in many respects, favorable in none? To consistency of that sort I lay no claim. And there is another sort to which I lay as little, and that is a kind of consistency by which persons feel themselves as much bound to oppose a proposition after it has become a law of the land as before.

The bill of 1827, limited, as I have said, to the single object in which the tariff of 1824 had manifestly failed in its effect, passed the House of Representatives, but was lost here. We had then the Act of 1828. I need not recur to the history of a measure so recent. Its enemies spiced it with whatsoever they thought would render it distasteful; its friends took it, drugged as it was. Vast amounts of property, many millions, had been invested in manufactures, under the inducements of the Act of 1824. Events called loudly, as I thought, for further regulation to secure the degree of protection intended by that Act. I was disposed to vote for such regulation, and desired nothing more; but certainly was not to be bantered out of my purpose by a threatened augmentation of duty on molasses, put into the bill for the avowed purpose of making it obnoxious. The vote may have been right or wrong, wise or unwise; but it is little less than absurd to allege

against it an inconsistency with opposition to the former law.

Sir, as to the general subject of the tariff, I have little now to say. Another opportunity may be presented. I remarked the other day that this policy did not begin with us in New England; and yet, Sir, New England is charged with vehemence as being favorable, or charged with equal vehemence as being unfavorable, to the tariff policy, just as best suits the time, place, and occasion for making some charge against her. The credulity of the public has been put to its extreme capacity of false impression relative to her conduct in this particular. Through all the South, during the late contest, it was New England policy and a New England administration that were affiicting the country with a tariff beyond all endurance; while on the other side of the Alleghanies even the Act of 1828 itself, the very sublimated essence of oppression, according to Southern opinions, was pronounced to be one of those blessings for which the West was indebted to the "generous South."

With large investments in manufacturing establishments; and many and various interests connected with and dependent on them, it is not to be expected that New England, any more than other portions of the country, will now consent to any measure destructive or highly dangerous. The

duty of the Government, at the present moment, would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and, for one, I shall feel it an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow. No more of the tariff.

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr. President, has taken up a new crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and letting go also of the topic of the tariff, he sallied forth in a general assault on the opinions, politics, and parties of New England, as they have been exhibited in the last thirty years. This is natural. The "narrow policy" of the public lands had proved a legal settlement in South Carolina, and was not to be removed. The "accursed policy" of the tariff also had established the fact of its birth and parentage in the same State. No wonder, therefore, the gentleman wished to carry the war, as he expressed it, into the enemy's country. Prudently willing to quit these subjects, he was doubtless desirous of fastening on others which could not be transferred south of Mason and Dixon's line. The politics of New England became his theme; and it

was in this part of his speech, I think, that he menaced me with such sore discomfiture. Discomfiture! Why, Sir, when he attacks anything which I maintain and overthrows it, when he turns the right or left of any position which I take up, when he drives me from any ground I choose to occupy, he may then talk of discomfiture, but not till that distant day. What has he done? Has he maintained his own charges? Has he proved what he alleged? Has he sustained himself in his attack on the Government, and on the history of the North, in the matter of the public lands? Has he disproved a fact, refuted a proposition, weakened an argument maintained by me? Has he come within beat of drum of any position of mine? Oh no; but he has "carried the war into the enemy's country!" Carried the war into the enemy's country! Yes, Sir, and what sort of a war has he made of it? Why, Sir, he has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses — over whatever the pulpit in its moments of alarm, the press in its heats, and parties in their extravagance, have severally thrown off in times of general excitement and violence. He has thus swept together a mass of such things as, but that they are now old and cold, the public health would have required him rather to leave in their state of

dispersion. For a good long hour or two, we had the unbroken pleasure of listening to the honorable member, while he recited with his usual grace and spirit, and with evident high gusto, speeches, pamphlets, addresses, and all the *et cæteras* of the political press, such as warm heads produce in warm times; and such as it would be "discomfiture" indeed for any one whose taste did not delight in that sort of reading to be obliged to peruse. This is his war. This it is to carry war into the enemy's country. It is in an invasion of this sort that he flatters himself with the expectation of gaining laurels fit to adorn a Senator's brow!

Mr. President, I shall not,—it will not, I trust, be expected that I should,—either now or at any time, separate this farrago into parts and answer and examine its components. I shall barely bestow upon it all a general remark or two. In the run of forty years, Sir, under this Constitution, we have experienced sundry successive violent party contests. Party arose, indeed, with the Constitution itself, and, in some form or other, has attended it through the greater part of its history. Whether any other constitution than the old Articles of Confederation was desirable, was itself a question on which parties divided; if a new constitution were framed, what powers should be given to it, was another question; and when it had been

formed, what was in fact the just extent of the powers actually conferred, was a third. Parties, as we know, existed under the first administration, as distinctly marked as those which have manifested themselves at any subsequent period. The contest immediately preceding the political change in 1801, and that, again, which existed at the commencement of the late war, are other instances of party excitement of something more than usual strength and intensity. In all these conflicts there was, no doubt, much of violence on both and all sides. It would be impossible, if one had a fancy for such employment, to adjust the relative *quantus* of violence between these contending parties. There was enough in each, as must always be expected in popular governments. With a great deal of popular and decorous discussion, there was mingled a great deal also of declamation, virulence, crimination, and abuse. In regard to any party, probably, at one of the leading epochs in the history of parties, enough may be found to make out another inflamed exhibition not unlike that with which the honorable member has edified us. For myself, Sir, I shall not rake among the rubbish of bygone times to see what I can find, or whether I cannot find something by which I may fix a blot on the escutcheon of any State, any party, or any part of the country. General Washington's administration was steadily and zealously maintained, as we

all know, by New England. It was violently opposed elsewhere. We know in what quarter he had the most earnest, constant, and persevering support in all his great and leading measures. We know where his private and personal character was held in the highest degree of attachment and veneration ; and we know, too, where his measures were opposed, his services slighted, and his character vilified. We know, or we might know, if we turned to the journals, who expressed respect, gratitude, and regret when he retired from the chief magistracy, and who refused to express either respect, gratitude, or regret. I shall not open those journals. Publications more abusive or scurrilous never saw the light than were sent forth against Washington and all his leading measures from presses south of New England. But I shall not look them up. I employ no scavengers ; no one is in attendance on me, furnishing such means of retaliation ; and if there were, with an ass's load of them, with a bulk as huge as that which the gentleman himself has produced, I would not touch one of them. I see enough of the violence of our own times to be no way anxious to rescue from forgetfulness the extravagances of times past.

Besides, what is all this to the present purpose ? It has nothing to do with the public lands, in regard to which the attack was begun ; and it has

nothing to do with those sentiments and opinions which, I have thought, tend to disunion, and all of which the honorable member seems to have adopted himself and undertaken to defend. New England has at times, so argues the gentleman, held opinions as dangerous as those which he now holds. Suppose this were so: why should *he* therefore abuse New England? If he finds himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers, or seeks to cover, their authors with reproach? But, Sir, if, in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened nowhere else? Party animosity and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a Federalist, but as a Tory, a British agent, a man who, in his high office, sanctioned corruption. But does the honorable member suppose, if I had a tender here who should put such an effusion of wickedness and folly into my hand, that I would stand up and read it against the South? Parties ran into great heats again in 1799 and 1800. What was said, Sir, or rather what was not said, in those years, against John Adams, one of the committee that drafted the Declaration of Independence, and its admitted ablest defender on the floor of Congress? If the gentleman wishes to increase his stores of party abuse and frothy

violence, if he has a determined proclivity to such pursuits, there are treasures of the sort south of the Potomac, much to his taste, yet untouched. I shall not touch them.

The parties which divided the country at the commencement of the late war were violent. But then there was violence on both sides, and violence in every State. Minorities and majorities were equally violent. There was no more violence against the war in New England than in other States ; nor any more appearance of violence, except that, owing to a dense population, greater facility of assembling, and more presses, there may have been more in quantity spoken and printed there than in some other places. In the article of sermons, too, New England is somewhat more abundant than South Carolina ; and for that reason the chance of finding here and there an exceptional one may be greater. I hope, too, there are more good ones. Opposition may have been more formidable in New England, as it embraced a larger portion of the whole population ; but it was no more unrestrained in principle or violent in manner. The minorities dealt quite as harshly with their own State governments as the majorities dealt with the Administration here. There were presses on both sides, popular meetings on both sides, ay, and pulpits on both sides also. The gentleman's purveyors have only ca-

tered for him among the productions of one side. I certainly shall not supply the deficiency by furnishing samples of the other. I leave to him and to them the whole concern.

It is enough for me to say that if in any part of this their grateful occupation, if in all their researches, they find anything in the history of Massachusetts or New England, or in the proceedings of any legislative or other public body, disloyal to the Union, speaking lightly of its value, proposing to break it up, or recommending non-intercourse with neighboring States, on account of difference of political opinion, then, Sir, I give them all up to the honorable gentleman's unrestrained rebuke ; expecting, however, that he will extend his buffetings in like manner to all similar proceedings, wherever found.

The gentleman, Sir, has spoken at large of former parties, now no longer in being, by their received appellations, and has undertaken to instruct us, not only in the knowledge of their principles, but of their respective pedigrees also. He has ascended to their origin and run out their genealogies. With most exemplary modesty, he speaks of the party to which he professes to have himself belonged as the true Pure, the only honest, patriotic party, derived by regular descent, from father to son, from the time of the virtuous Romans ! Spreading before us the

family tree of political parties, he takes especial care to show himself snugly perched on a popular bough! He is wakeful to the expediency of adopting such rules of descent as shall bring him in, to the exclusion of others, as an heir to the inheritance of all public virtue and all true political principle. His party and his opinions are sure to be orthodox; heterodoxy is confined to his opponents. He spoke, Sir, of the Federalists; and I thought I saw some eyes begin to open and stare a little when he ventured on that ground. I expected he would draw his sketches rather lightly, when he looked on the circle round him, and especially if he should cast his thoughts to the high places of the Senate. Nevertheless, he went back to Rome, *ad annum urbis conditæ,* and found the fathers of the Federalists in the primeval aristocrats of that renowned city! He traced the flow of Federal blood down through successive ages and centuries, till he brought it into the veins of the American Tories, of whom, by the way, there were twenty in the Carolinas for one in Massachusetts. From the Tories he followed it to the Federalists; and, as the Federal party was broken up, and there was no possibility of transmitting it further on this side the Atlantic, he seems to have discovered that it has gone off collaterally, though against all the canons of descent, into the Ultras of France, and finally become

extinguished, like exploded gas, among the adherents of Don Miguel! This, Sir, is an abstract of the gentleman's history of Federalism. I am not about to controvert it. It is not, at present, worth the pains of refutation; because, Sir, if at this day any one feels the sin of Federalism lying heavily on his conscience, he can easily procure remission. He may even obtain an indulgence, if he be desirous of repeating the same transgression. It is an affair of no difficulty to get into this same right line of patriotic descent. A man nowadays is at liberty to choose his political parentage. He may elect his own father. Federalist or not, he may, if he choose, claim to belong to the favored stock, and his claim will be allowed. He may carry back his pretension just as far as the honorable gentleman himself; nay, he may make himself out the honorable gentleman's cousin, and prove satisfactorily that he is descended from the same political great-grandfather. All this is allowable. We all know a process, Sir, by which the whole Essex Junto could in one hour be washed white from their ancient Federalism and come out, every one of them, original Democrats, dyed in the wool! Some of them have actually undergone the operation, and they say it is quite easy. The only inconvenience it occasions, as they tell us, is a slight tendency of the blood to the face, a soft

suffusion, which, however, is very transient, since nothing is said by those whom they join calculated to deepen the red on the cheek, but a prudent silence is observed in regard to all the past. Indeed, Sir, some smiles of approbation have been bestowed, and some crumbs of comfort have fallen, not a thousand miles from the door of the Hartford Convention itself. And if the author of the Ordinance of 1787 possessed the other requisite qualifications, there is no knowing, notwithstanding his Federalism, to what heights of favor he might not yet attain.

Mr. President, in carrying his warfare, such as it is, into New England, the honorable gentleman all along professes to be acting on the defensive. He chooses to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defence. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable member, in his first speech, expressed opinions in regard to revenue and some other topics, which I heard both with pain and with surprise. I told the gentleman I was aware that such sentiments were entertained out of the Government, but had not expected to find them advanced in it; that I knew there were persons in the South who speak of our Union with indifference or doubt, taking pains to magnify its evils

and to say nothing of its benefits ; that the honorable member himself, I was sure, could never be one of these ; and I regretted the expression of such opinions as he avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to impair its strength. This, Sir, is the sum and substance of all I said on the subject. And this constitutes the attack which called on the chivalry of the gentleman, in his own opinion, to harry us with such a foray among the party pamphlets and party proceedings of Massachusetts ! If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But if he means that I assailed the character of the State, her honor or patriotism, that I reflected on her history or her conduct, he has not the slightest ground for any such assumption. I did not even refer, I think, in my observations, to any collection of individuals. I said nothing of the recent conventions. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions which I presumed the honorable member disapproved as much as myself. In this, it seems, I was mistaken. I do not remember that the gentleman has disclaimed any sentiment, or any opinion, of a supposed anti-Union tendency, which on all or any of the recent occasions has been expressed.

The whole drift of his speech has been rather to prove that, in divers times and manners, sentiments equally liable to my objection have been avowed in New England. And one would suppose that his object in this reference to Massachusetts was to find a precedent to justify proceedings in the South, were it not for the reproach and contumely with which he labors all along to load these his own chosen precedents. By way of defending South Carolina from what he chooses to think an attack upon her, he first quotes the example of Massachusetts, and then denounces that example in good set terms. This twofold purpose, not very consistent, one would think, with itself, was exhibited more than once in the course of his speech. He referred, for instance, to the Hartford Convention. Did he do this for authority, or for a topic of reproach? Apparently for both; for he told us that he should find no fault with the mere fact of holding such a convention and considering and discussing such questions as he supposes were then and there discussed, but what rendered it obnoxious was its being held at the time and under the circumstances of the country then existing. We were in a war, he said, and the country needed all our aid; the hand of Government required to be strengthened, not weakened; and patriotism should have postponed such proceedings to another day. The thing itself,

then, is a precedent ; the time and manner of it, only, a subject of censure.

Now, Sir, I go much further on this point than the honorable member. Supposing, as the gentleman seems to do, that the Hartford Convention assembled for any such purpose as breaking up the Union because they thought unconstitutional laws had been passed, or to consult on that subject, or to calculate the value of the Union : supposing this to be their purpose, or any part of it, then I say the meeting itself was disloyal and was obnoxious to censure, whether held in time of peace or time of war, or under whatever circumstances. The material question is the object. Is dissolution the object ? If it be, external circumstances may make it a more or less aggravated case, but cannot affect the principle. I do not hold, therefore, Sir, that the Hartford Convention was pardonable even to the extent of the gentleman's admission, if its objects were really such as have been imputed to it. Sir, there never was a time, under any degree of excitement, in which the Hartford Convention, or any other convention, could have maintained itself one moment in New England, if assembled for any such purpose as the gentleman says would have been an allowable purpose. To hold conventions to decide constitutional law ! To try the binding validity of statutes by votes in a convention ! Sir, the Hartford Convention, I presume,

would not desire that the honorable gentleman should be their defender or advocate, if he puts their case upon such untenable and extravagant grounds.

Then, Sir, the gentleman has no fault to find with these recently promulgated South Carolina opinions. And certainly he need have none; for his own sentiments, as now advanced, and advanced on reflection, as far as I have been able to comprehend them, go the full length of all these opinions. I propose, Sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe that the eulogium pronounced by the honorable gentleman on the character of the State of South Carolina, for her Revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honor, I partake in the pride, of her great names. I claim them for countrymen, one and all: the Laurenses, the Rutledges, the Pinckneys, the Sumpters, the Marions, Americans all, whose fame is no more to be hemmed in by State lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation they served and honored the country,

and the whole country ; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears — does he esteem me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light of Massachusetts instead of South Carolina ? Sir, does he suppose it in his power to exhibit a Carolina name so bright as to produce envy in my bosom ? No, Sir, increased gratification and delight rather. I thank God that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit which would drag angels down. When I shall be found, Sir, in my place here in the Senate, or elsewhere, to sneer at public merit because it happens to spring up beyond the little limits of my own State or neighborhood ; when I refuse, for any such cause or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country ; or if I see an uncommon endowment of heaven, if I see extraordinary capacity and virtue, in any son of the South, and if, moved by local prejudice or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth !

Sir, let me recur to pleasing recollections ; let

me indulge in refreshing remembrance of the past; let me remind you that, in early times, no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution, hand in hand they stood around the administration of Washington and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation, and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter upon no encomium of Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons falling in the great struggle for independence now lie mingled with the soil of every State from New England to Georgia; and there they will lie forever. And, Sir, where American liberty raised its first voice and where its youth was nurtured and sustained, there it still lives in the strength of its manhood and full of its original spirit. If discord and disunion shall wound it, if party strife and blind ambition shall hawk at and

tear it, if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed in separating it from that Union by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm, with whatever of vigor it may still retain, over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty which I feel to be devolved on me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, Sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain that it is a right of the State legislatures to interfere whenever, in their

judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right as a right existing under the Constitution, not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority on the part of the States thus to interfere for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it, but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist that if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine

which he maintains. I propose to consider it and compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff laws is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe these laws unconstitutional, may probably also be true. But that any majority holds to the right of direct State interference, at State discretion,—the right of nullifying acts of Congress, by acts of State legislation,—is more than I know, and what I should be slow to believe.

That there are individuals, besides the honorable gentleman, who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication justify us in supposing was not unpremeditated: "The sovereignty of the State—never to be controlled, construed, or decided upon, but by her own feelings of honorable justice!"

I am quite aware, Mr. President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his

authority. I know the source, too, from which it is understood to have proceeded. I need not say that I have much respect for the constitutional opinions of Mr. Madison; they would weigh greatly with me, always. But, before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly he may not have adopted the right construction. That resolution declares that, in the case of the dangerous exercise of powers not granted to the general government, the States may interpose to arrest the progress of the evil. But how interpose? and what does this declaration purport? Does it mean no more than that there may be extreme cases, in which the people, in any mode of assembling, may resist usurpation and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not acknowledged to be just in America alone, but in England also. Blackstone admits as much in the theory, and practice too, of the English Constitution. We, Sir, who oppose the Carolina doctrine, do not deny that the people may, if they choose, throw off any government when it becomes oppressive and intolerable, and erect a better in its stead. We all

know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence, they may be changed. But I do not understand the doctrine now contended for to be that, which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the general government lies in a direct appeal to the interference of the State governments.

So, Sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference in form of law of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government I do not deny; and they have another right, and that is, to resist unconstitutional laws without overturning the government. It is not doctrine of mine that unconstitutional laws bind the people. The great question is, whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that the main debate hinges. The proposition that, in case of a supposed violation of

the Constitution by Congress, the States have a constitutional right to interfere and annul the law of Congress is the proposition of the gentleman. I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution, or rebellion, on the other. I say the right of a State to annul a law of Congress cannot be maintained but on the ground of the inalienable right of man to resist oppression ; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution, and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit that, under the Constitution and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the general government by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this government and the source of its power. Whose agent is it ? Is it the creature of the State legislatures, or the creature of the people ? If the gov-

ernment of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify or reform it. It is observable enough that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this general government is the creature of the States, but that it is the creature of each of the States severally; so that each may assert the power, for itself, of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity—for it seems no less—arises from a misconception as to the origin of this government and its true character. It is, Sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition or dispute their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general

government, so far the grant is unquestionably good, and the government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belong to the State governments or to the people themselves. So far as the people have restrained State sovereignty by the expression of their will in the Constitution of the United States, so far, it must be admitted, State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled further. The sentiment to which I have referred propounds that State sovereignty is only to be controlled by its own "feeling of justice"; that is to say, it is not to be controlled at all; for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is that the people of the United States have chosen to impose control on State sovereignties. There are those, doubtless, who wish they had been left without restraint; but the Constitution has ordered the matter differently. To make war, for

instance, is an exercise of sovereignty ; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power ; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise "from her own feelings of honorable justice." Such an opinion, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again for the purpose of ascertaining more fully what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain. In one of them I find it resolved that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning and intention of the Federal compact ; and is such a dangerous, palpable, and deliberate usurpation of power by a determined majority, wielding the general government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as

sovereigns, necessarily devolve upon them when that compact is violated."

Observe, Sir, that this resolution holds the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power as calls upon the States, in their sovereign capacity, to interfere by their own authority. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816, as well as all others; because that was established to promote the interest of the manufactures of cotton, to the manifest and admitted injury of the Calcutta cotton trade. Observe, again, that all the qualifications are here rehearsed and charged upon the tariff which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation, therefore, as calls upon the States to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express this same opinion by the voice of her Legislature. That

would be very imposing; but what then? Is the voice of one State conclusive? It so happens that at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. They hold those laws to be both highly proper and strictly constitutional. And now, Sir, how does the honorable member propose to deal with this case? How does he relieve us from this difficulty upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina the tariff is a palpable, deliberate usurpation; Carolina, therefore, may nullify it, and refuse to pay the duties. In Pennsylvania it is both clearly constitutional and highly expedient; and there the duties are to be paid. And yet we live under a government of uniform laws, and under a Constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the States. Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again precisely upon the old Confederation?

It is too plain to be argued. Four-and-twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority

to bind anybody else, and this constitutional law the only bond of their union! What is such a state of things but a mere connection during pleasure, or, to use the phraseology of the times, during feeling? And that feeling, too, not the feeling of the people, who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say that — appealing with confidence to the Constitution itself to justify their opinions — they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, Sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions above the judgment of all others, above the laws, and above the Constitution. This is their liberty;

and this is the fair result of the proposition contended for by the honorable gentleman. Or it may be more properly said, it is identical with it, rather than a result from it.

In the same publication we find the following: "Previously to our Revolution, when the arm of oppression was stretched over New England, where did our Northern brethren meet with a braver sympathy than that which sprung from the bosoms of Carolinians? We had no extortion, no oppression, no collision with the King's ministers, no navigation interests springing up in envious rivalry of England."

This seems extraordinary language. South Carolina no collision with the King's ministers in 1775! No extortion! No oppression! But, Sir, it is also most significant language. Does any man doubt the purpose for which it was penned? Can any one fail to see that it was designed to raise in the reader's mind the question whether, at this time,—that is to say, in 1828,—South Carolina has any collision with the King's ministers, any oppression or extortion to fear from England? Whether, in short, England is not as naturally the friend of South Carolina, as New England with her "navigation interests springing up in envious rivalry of England"?

Is it not strange, Sir, that an intelligent man in South Carolina, in 1828, should thus labor to

prove that, in 1775, there was no hostility, no cause of war, between South Carolina and England; that she had no occasion, in reference to her own interest or from a regard to her own welfare, to take up arms in the Revolutionary contest? Can any one account for the expression of such strange sentiments, and their circulation through the State, otherwise than by supposing the object to be what I have already intimated, to raise the question, if they had no collision — mark the expression — with the ministers of King George the Third, in 1775, what collision have they, in 1828, with the ministers of King George the Fourth? What is there now, in the existing state of things, to separate Carolina from Old, more, or rather, than from New England?

Resolutions, Sir, have been recently passed by the Legislature of South Carolina. I need not refer to them; they go no further than the honorable gentleman himself has gone; and, I hope, not so far. I content myself, therefore, with debating the matter with him.

And now, Sir, what I have first to say on this subject is, that at no time, and under no circumstances, has New England, or any State in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case — he can find none—to support his own opinions by New England authority. New England has studied the Constitution in other schools and under other teachers. She looks upon it with other regards, and deems more highly and reverently both of its just authority and of its utility and excellence. The history of her legislative proceedings may be traced — the ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up — they have been hunted up. The opinions and votes of her public men, in and out of Congress, may be explored—it will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now ; she always did reject it ; and, till she loses her senses, she always will reject it. The honorable member has referred to expressions on the subject of the embargo law, made in this place by an honorable and venerable gentleman, Mr. Hillhouse, now favoring us with his presence. He quotes that distinguished Senator as saying that, in his judgment, the embargo law was unconstitutional, and that therefore, in his opinion, the people were not bound to obey it. That, Sir, is perfectly constitutional language. An unconstitutional law is not binding ; but then it does not rest with a resolution or a law of a State legislature to decide whether an Act of Congress be, or be

not, constitutional. An unconstitutional Act of Congress would not bind the people of this District, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional Act of Congress does bind the citizens of every State, although all their legislatures should undertake to annul it by act or resolution. The venerable Connecticut Senator is a constitutional lawyer of sound principles and enlarged knowledge, a statesman practised and experienced, bred in the company of Washington, and holding just views upon the nature of our governments. He believed the embargo unconstitutional, and so did others; but what then? Who, did he suppose, was to decide that question? The State legislatures? Certainly not. No such sentiment ever escaped his lips. Let us follow up, Sir, this New England opposition to the embargo laws; let us trace it till we discern the principle which controlled and governed New England throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the Legislature of Massachusetts, asserting the Carolina doctrine—that is, the right of State interference to arrest the laws of the Union. The fate of that petition shows the sentiment of

the Legislature. It met no favor. The opinions of Massachusetts were otherwise. They had been expressed, in 1798, in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed as she felt herself to be, she still held fast her integrity to the Union. The gentleman may find in her proceedings much evidence of dissatisfaction with the measures of Government, and great and deep dislike to the embargo; all this makes the case so much the stronger for her; for, notwithstanding all this dissatisfaction and dislike, she claimed no right, still, to sever asunder the bonds of the Union. There was heat, and there was anger, in her political feeling: be it so: her heat or her anger did not, nevertheless, betray her into infidelity to the Government. The gentleman labors to prove that she disliked the embargo as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so: but did she propose the Carolina remedy—did she threaten to interfere, by State authority, to annul the laws of the Union? That is the question for the gentleman's consideration.

No doubt, Sir, a great majority of the people of New England conscientiously believed the embargo law of 1807 unconstitutional; as conscientiously, certainly, as the people of South Carolina hold that opinion of the tariff. They reasoned

thus : Congress has power to regulate commerce ; but here is a law, they said, stopping all commerce, and stopping it indefinitely. The law is perpetual ; that is, it is not limited in point of time, and must, of course, continue until it shall be repealed by some other law. It is as perpetual, therefore, as the law against treason or murder. Now, is this regulating commerce, or destroying it ? Is it guiding, controlling, giving the rule to commerce, as a subsisting thing, or is it putting an end to it altogether ? Nothing is more certain than that a majority in New England deemed this law a violation of the Constitution. The very case required by the gentleman to justify State interference had then arisen. Massachusetts believed this law to be "a deliberate, palpable, and dangerous" exercise of a power not granted by the Constitution. Deliberate it was, for it was long continued ; palpable she thought it, as no words in the Constitution gave the power, and only a construction in her opinion most violent raised it ; dangerous it was, since it threatened utter ruin to her most important interests. Here, then, was a Carolina case. How did Massachusetts deal with it ? It was, as she thought, a plain, manifest, palpable violation of the Constitution, and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt

also that, as a measure of national policy, it was perfectly futile ; that the country was in no way benefited by that which caused so much individual distress ; that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself ? Sir, she remonstrated, she memorialized, she addressed herself to the general government, not exactly "with the concentrated energy of passion," but with her own strong sense and the energy of sober conviction. But she did not interpose the arm of her own power to arrest the law and break the embargo. Far from it. Her principles bound her to two things ; and she followed her principles, lead where they might. First, to submit to every constitutional law of Congress ; and, secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believed the embargo law unconstitutional ; but the great question was, and always will be in such cases, who is to decide this, who is to judge between the people and the Government ? And, Sir, it is quite plain that the Constitution of the United States confers on the Government itself, to be exercised by its appropriate department and under its own

responsibility to the people, this power of deciding ultimately and conclusively upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old Confederation.

Being fully of the opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion — it was a matter they did not doubt upon — that the question, after all, must be decided by the judicial tribunals of the United States. Before those tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds, to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old-fashioned way of settling disputes, they went to law. The case came to hearing and solemn argument ; and he who espoused their cause and stood up for them against the validity of the embargo act was none other than that great man of whom the gentleman has made honorable mention, Samuel Dexter. He was then, Sir, in the fulness of his knowledge and the maturity of his strength. He had returned from long and distinguished service here to the renewed pursuit of professional duties ; carrying with him all that enlargement and expansion, all the new strength and force, which an acquaintance with the more

general subjects discussed in the national councils is capable of adding to professional attainment, in a mind of true greatness and comprehension. He was a lawyer, and he was also a statesman. He had studied the Constitution, when he filled public station, that he might defend it; he had examined its principles, that he might maintain them. More than all men, or at least as much as any man, he was attached to the general government and to the Union of the States. His feelings and opinions all ran in that direction. A question of constitutional law, too, was of all subjects that one which was best suited to his talents and learning. Aloof from technicality and unfettered by artificial rule, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle, which so much distinguished his higher efforts. His very statement was argument; his inference seemed demonstration. The earnestness of his own conviction wrought conviction in others. One was convinced, and believed, and assented, because it was gratifying, delightful, to think and feel and believe in unison with an intellect of such evident superiority.

Mr. Dexter, Sir, such as I have described him, argued the New England cause. He put into his effort his whole heart, as well as all the powers of his understanding; for he had avowed, in the most public manner, his entire concurrence with

his neighbors on the point in dispute. He argued the cause ; it was lost ; and New England submitted. The established tribunals pronounced the law constitutional, and New England acquiesced. Now, Sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina ? According to him, instead of referring to the judicial tribunals, we should have broken up the embargo by laws of our own ; we should have repealed it *quoad* New England ; for we had a strong, palpable, and oppressive case. Sir, we believed the embargo unconstitutional ; but still that was matter of opinion, and who was to decide it ? We thought it a clear case ; but, nevertheless, we did not take the law into our own hands, because we did not wish to bring about a revolution, nor to break up the Union ; for I maintain that between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground — there is no ambiguous condition, half allegiance and half rebellion. And, Sir, how futile, how very futile it is, to admit the right of State interference, and then attempt to save it from the character of unlawful resistance by adding terms of qualification to the causes and occasion, leaving all these qualifications, like the case itself, in the discretion of the State governments. It must be a clear case, it is said ; a deliberate case ; a palpable case ; a dangerous case. But

then the State is still left at liberty to decide for herself what is clear, what is deliberate, what is palpable, what is dangerous. Do adjectives and epithets avail anything? Sir, the human mind is so constituted that the merits of both sides of a controversy appear very clear, and very palpable, to those who respectively espouse them; and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there also; and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it; she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but resolves, that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration, resolves also, and gives to every warm affirmative of South Carolina a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her Assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect more than others, reduces her dissentient fraction to a single vote. Now, Sir, again I ask the gentleman, what is to be done? Are these States both right? Is he bound to consider them

both right? If not, which is in the wrong? or rather, which has the best right to decide? And if he and I are not to know what the Constitution means, and what it is, till these two State legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it? I was forcibly struck, Sir, with one reflection, as the gentleman went on in his speech. He quoted Mr. Madison's resolutions to prove that a State may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power; and that, consequently, a case has arisen in which the State may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr. Madison deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. All this, Sir, shows the inherent futility — I had almost used a stronger word — of conceding this power of interference to the States, and then attempting to secure it from abuse by imposing qualifications, of which the States themselves are to judge. One of two things is true: either the laws of the Union are beyond the discretion and beyond the control of

the States; or else we have no constitution of general government, and are thrust back again to the days of the Confederacy.

Let me here say, Sir, that if the gentleman's doctrine had been received and acted upon in New England in the times of the embargo and non-intercourse, we should probably not now have been here. The government would very likely have gone to pieces and crumbled into dust. No stronger case can ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare whether, in his opinion, the New England States would have been justified in interfering to break up the embargo system under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit, or deny? If that which is thought palpably unconstitutional in South Carolina justifies that State in arresting the progress of the law, tell me whether that which was thought palpably unconstitutional also in Massachusetts would have justified her in doing the same thing. Sir, I deny

the whole doctrine. It has not a foot of ground in the Constitution to stand on. No public man of reputation ever advanced it in Massachusetts in the warmest times, or could maintain himself upon it there at any time.

I wish now, Sir, to make a remark upon the Virginia resolutions of 1798. I cannot undertake to say how those resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise by Congress of a dangerous power not granted to them, the resolutions assert the right on the part of the State to interfere and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the States may interfere by complaint and remonstrance, or by proposing to the people an alteration of the Federal Constitution. This would all be quite unobjectionable; or it may be that no more is meant than to assert the general right of revolution, as against all governments, in cases of intolerable oppression. This no one doubts; and this, in my opinion, is all that he who framed the resolutions could have meant by it: for I shall not readily believe that he was ever of opinion that a State, under the Constitution and in conformity with it, could, upon the ground of her own opinion of its unconstitutionality,—however clear and palpable she might think the case,—

annul a law of Congress, so far as it should operate on herself, by her own legislative power.

I must now beg to ask, Sir, whence is this supposed right of the States derived? — where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains is a notion founded on a total misapprehension, in my judgment, of the origin of this government and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the State governments. It is of no moment to the argument that certain acts of the State legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State; it is a duty which the people,

by the Constitution itself, have imposed on the State legislatures, and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of President with electors; but all this does not affect the proposition that this whole government — President, Senate, and House of Representatives — is a popular government. It leaves it still all its popular character. The governor of a State, in some of the States, is chosen, not directly by the people, but by those who are chosen by the people for the purpose of performing, among other duties, that of electing a governor. Is the government of the State on that account not a popular government? This government, Sir, is the independent offspring of the popular will. It is not the creature of State legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, Sir, be the creature of State legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people, then, Sir, erected this government. They gave it a Constitution ; and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted ; and all others, they declare, are reserved to the States, or the people. But, Sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid possibility of doubt ; no limitation so precise as to exclude all uncertainty. Who, then, shall construe this grant of the people ? Who shall interpret their will, where it may be supposed they have left it doubtful ? With whom do they repose this ultimate right of deciding on the powers of the government ? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had had quite enough of that kind of government under the Confederacy. Under that system, the legal action—the application of law to individuals — belonged exclusively to the States. Congress could

only recommend ; their Acts were not of binding force till the States had adopted and sanctioned them. Are we in that condition still ? Are we yet at the mercy of State discretion and State construction ? Sir, if we are, then vain will be the attempt to maintain the Constitution under which we sit.

But, Sir, the people have wisely provided, in the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are in the Constitution grants of power to Congress, and restrictions on these powers. There are also prohibitions on the States. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretations of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end ? By declaring, Sir, that "the Constitution and the laws of the United States, made in pursuance thereof, shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding."

This, Sir, was the first great step. By this, the supremacy of the Constitution and laws of the United States is declared. The people so will it. No State law is to be valid which comes in conflict with the Constitution or any law of the United States passed in pursuance of it. But who shall

decide this question of interference? To whom lies the last appeal? This, Sir, the Constitution itself decides also, by declaring that "the judicial power shall extend to all cases arising under the Constitution and laws of the United States." These two provisions, Sir, cover the whole ground. They are, in truth, the keystone of the arch. With these, it is a Constitution; without them, it is a Confederacy. In pursuance of these clear and express provisions, Congress established at its very first session, in the Judicial Act, a mode for carrying them into full effect and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, Sir, became a government. It then had the means of self-protection; and, but for this, it would in all probability have been now among the things which are past. Having constituted the government and declared its powers, the people have further said that, since somebody must decide on the extent of these powers, the government shall itself decide; subject always, like other popular governments, to its responsibility to the people. And now, Sir, I repeat, how is it that a State legislature acquires any power to interfere? Who, or what, gives them the right to say to the people, "We, who are your agents and servants for one purpose, will undertake to decide that your other agents and servants, appointed by you for another purpose,

have transcended the authority you gave them"? The reply would be, I think, not impertinent: "Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say that, in an extreme case, a State government might protect the people from intolerable oppression. Sir, in such a case the people might protect themselves, without the aid of the State government. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying Act of a State legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, Sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the general government, and I think it my duty to support it, like other constitutional powers.

For myself, Sir, I do not admit the jurisdiction of South Carolina, or any other State, to prescribe my constitutional duty; or to settle between me and the people the validity of laws of Congress for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated by my oath of office, or otherwise,

to come under any responsibility, except to the people and those whom they have appointed to pass upon the question, whether laws supported by my votes conform to the Constitution of the country. And, Sir, if we look to the general nature of the case, could anything have been more preposterous than to make a government for the whole Union and yet leave its powers subject, not to one interpretation, but to thirteen, or twenty-four, interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others; and each at liberty, too, to give a new construction on every new election of its own members? Would anything with such a principle in it — or rather with such a destitution of all principle — be fit to be called a government? No, Sir! It should not be denominated a constitution. It should be called rather a collection of topics for everlasting controversy, heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, nor fit for any country to live under. To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the government by forced or unfair construction. I

admit that it is a government of strictly limited powers ; of enumerated, specified, and particularized powers ; and that whatsoever is not granted is withheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may, in some cases, admit of doubt ; and the general government would be good for nothing — it would be incapable of long existing — if some mode had not been provided in which these doubts, as they should arise, might be peaceably, but authoritatively, solved.

And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi.* If a thing can be done, an ingenious man can tell how it is to be done. Now, I wish to be informed how this State interference is to be put in practice without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it—as we probably shall not — she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her Legislature, declaring the several Acts of Congress, usually called the tariff laws, null and void, so far as they respect South Carolina or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties

imposed by these tariff laws; he therefore must be stopped. The collector will seize the goods if the tariff duties are not paid. The State authorities will undertake their rescue; the marshal, with his posse, will come to the collector's aid; and here the contest begins. The militia of the State will be called out to sustain the nullifying Act. They will march, Sir, under a very gallant leader; for I believe the honorable member himself commands the militia of that part of the State. He will raise the nullifying Act on his standard, and spread it out as his banner! It will have a preamble, bearing, That the tariff laws are palpable, deliberate, and dangerous violations of the Constitution! He will proceed, with this banner flying, to the custom-house in Charleston:

> "All the while,
> Sonorous metal blowing martial sounds."

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, Sir, the collector would, probably, not desist at his bidding. He would show him the law of Congress, the Treasury instruction, and his own oath of office. He would say he should perform his duty, come what might.

Here would ensue a pause; for they say that a certain stillness precedes the tempest. The trumpeter would hold his breath awhile; and, before all this military array should fall on the custom-house,—collector, clerks, and all,—it is very probable some of those composing it would request of their gallant commander-in-chief to be informed a little upon the point of law; for they have, doubtless, a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the Constitution, as well as Turenne and Vauban. They would ask him, therefore, something concerning their rights in this matter. They would inquire whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that the law was constitutional? He would answer, of course, "Treason." John Fries, he would tell them, had learned that some years ago. "How then," they would ask, "do you propose to defend us? We are not afraid of bullets; but treason has a way of taking people off that we do not much relish. How do you propose to defend us?" "Look at my floating banner," he would reply; "see there the nulliyfing law." "Is it your opinion, gallant commander," they would

then say, "that if we should be indicted for treason that same floating banner of yours would make a good plea in bar?" "South Carolina is a sovereign State," he would reply. "That is true—but would the judge admit our plea?" "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." "That all may be so; but if the tribunal should not happen to be of that opinion, shall we swing for it? We are ready to die for our country; but it is rather an awkward business, this dying without touching the ground! After all, that is a sort of hemp tax worse than any part of the tariff."

Mr. President, the honorable gentleman would be in a dilemma like that of another great general. He would have a knot before him which he could not untie. He must cut it with his sword. He must say to his followers: "Defend yourselves with your bayonets"; and this is war — civil war.

Direct collision, therefore, between force and force is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist by force the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself, is

nothing to the purpose. Can she authorize others to do it? If John Fries had produced an Act of Pennsylvania annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and therefore it is that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, I enter my public protest against them all.

The honorable gentleman argues that, if this government be the sole judge of the extent of its own powers, whether that right of judging be in Congress or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, — or thinks he sees,—although he cannot perceive how the right of judging, in this matter, if left to the exercise of State legislatures, has any tendency to subvert the government of the Union. The gentleman's opinion may be that the right ought not to have been lodged with the general government; he may like better such a constitution as we should have under the right of State interference; but I ask him to meet me on the plain matter of fact; I ask him to meet me on the Constitution itself; I ask him if the power is not found there — clearly and visibly found there?

But, Sir, what is this danger, and what the grounds of it? Let it be remembered that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the State governments and the general government, they can alter that distribution at will.

If anything be found in the national Constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established unacceptable to them, so as to become practically a part of the Constitution, they will amend it at their own sovereign pleasure; but while the people choose to maintain it as it is, while they are satisfied with it, and refuse to change it — who has given, or who can give to the State legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do any thing for themselves; they imagine there is no safety for them any longer than they are under the close guardianship of the State legislatures. Sir, the people have not trusted their safety, in regard to the general Constitution,

to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument and to such construction as the government itself, in doubtful cases, should put on its own powers, under their oaths of office and subject to their responsibility to them; just as the people of a State trust their own State government with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their power to remove their own servants and agents, whenever they see cause. Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity or high expediency, on their known and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpret their high instrument of government; much less to interfere by their own power to arrest its course and operation.

If, Sir, the people, in these respects, had done otherwise than they have done, their Constitution

could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every State but as a poor dependent on State permission. It must borrow leave to be ; and will be, no longer than State pleasure, or State discretion, sees fit to grant the indulgence, and to prolong its poor existence.

But, Sir, although there are fears, there are hopes also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown "grow with its growth and strengthen with its strength." They are now, generally, strongly attached to it. Overthrown by direct assault it cannot be ; evaded, undermined, nullified, it will not be, if we, and those who shall succeed us here as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust—faithfully to preserve, and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate, with no previous

deliberation such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot even now persuade myself to relinquish it without expressing once more my deep conviction that, since it respects nothing less than the union of the States, it is of most vital and essential importance to the public happiness. I profess, Sir, in my career, hitherto, to have kept steadily in view the prosperity and honor of the whole country and the preservation of our Federal Union. It is to that Union we owe our safety at home and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and, although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a

copious fountain of national, social, and personal happiness. I have not allowed myself, Sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion to see whether, with my short sight, I can fathom the depth of the abyss below ; nor could I regard him as a safe counsellor in the affairs of this government whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that, I seek not to penetrate the veil. God grant that, in my day at least, that curtain may not rise ! God grant that on my vision never may be opened what lies behind ! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union — on States dissevered, discordant, belligerent — on a land rent with civil feuds, or drenched, it may be, in fraternal blood ! Let their last feeble and lingering glance rather behold the gorgeous ensign of

the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured; bearing for its motto no such miserable interrogatory as, "What is all this worth?" nor those other words of delusion and folly, "Liberty first, and Union afterwards!"—but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land and in every wind under the heavens, that other sentiment, dear to every true American heart, "Liberty and Union, now and forever, one and inseparable!"

AN ADDRESS DELIVERED AT THE LAYING OF THE CORNER-STONE OF THE BUNKER HILL MONUMENT

Webster.

On the 17th of June, 1825, was laid, at Charlestown, Massachusetts, the corner-stone of the Bunker Hill monument, designed to commemorate the battle of that name and the death of General Warren, who was buried upon the hill. The ceremonies were impressive in the extreme, and the presence of General Lafayette, then visiting the United States, as well as that of about two hundred veterans of the Revolution, of whom nearly forty were survivors of the battle of Bunker Hill, gave yet greater interest to the proceedings. Mr. Webster, who was President of the Bunker Hill Monument Association, was chosen to deliver the Address, and he spoke in the presence of one of the greatest multitudes that ever assembled to hear an orator. His speech was one of his finest pieces of eloquence, being at once forceful, graceful, and pathetic, as was suitable for the occasion.

THIS uncounted multitude before me and around me proves the feeling which the occasion has excited. These thousands of human faces, glowing with sympathy and joy, and from the impulses of a common gratitude turned reverently to heaven in this spacious temple of the firmament, proclaim that the day, the place, and the purpose of our assembling have made a deep impression on our hearts.

If, indeed, there be anything in local association

fit to affect the mind of man, we need not strive to repress the emotions which agitate us here. We are among the sepulchres of our fathers. We are on ground distinguished by their valor, their constancy, and the shedding of their blood. We are here, not to fix an uncertain date in our annals, nor to draw into notice an obscure and unknown spot. If our humble purpose had never been conceived, if we ourselves had never been born, the 17th of June, 1775, would have been a day on which all subsequent history would have poured its light, and the eminence where we stand a point of attraction to the eyes of successive generations. But we are Americans. We live in what may be called the early age of this great continent; and we know that our posterity, through all time, are here to enjoy and suffer the allotments of humanity. We see before us a probable train of great events; we know that our own fortunes have been happily cast; and it is natural, therefore, that we should be moved by the contemplation of occurrences which have guided our destiny before many of us were born, and settled the condition in which we should pass that portion of our existence which God allows to men on earth.

We do not read even of the discovery of this continent without feeling something of a personal interest in the event; without being reminded

how much it has affected our own fortunes and our own existence. It would be still more unnatural for us, therefore, than for others, to contemplate with unaffected minds that interesting, I may say that most touching and pathetic scene, when the great discoverer of America stood on the deck of his shattered bark, the shades of night falling on the sea, yet no man sleeping; tossed on the billows of an unknown ocean, yet the stronger billows of alternate hope and despair tossing his own troubled thoughts; extending forward his harassed frame, straining westward his anxious and eager eyes till Heaven at last granted him a moment of rapture and ecstasy, in blessing his vision with the sight of the unknown world.

Nearer to our times, more closely connected with our fates, and therefore still more interesting to our feelings and affections, is the settlement of our own country by colonists from England. We cherish every memorial of these worthy ancestors; we celebrate their patience and fortitude; we admire their daring and enterprise; we teach our children to venerate their piety; and we are justly proud of being descended from men who have set the world an example of founding civil institutions on the great and united principles of human freedom and human knowledge. To us, their children, the story of their labors and sufferings can never be without its interest. We shall not stand

unmoved on the shore of Plymouth while the sea continues to wash it; nor will our brethren in another early and ancient colony forget the place of its first establishment, till their river shall cease to flow by it. No vigor of youth, no maturity of manhood, will lead the nation to forget the spots where its infancy was cradled and defended.

But the great event in the history of the continent, which we are now met here to commemorate, that prodigy of modern times, at once the wonder and the blessing of the world, is the American Revolution. In a day of extraordinary prosperity and happiness, of high national honor, distinction, and power, we are brought together in this place by our love of country, by our admiration of exalted character, by our gratitude for signal services and patriotic devotion.

The Society whose organ I am was formed for the purpose of rearing some honorable and durable monument to the memory of the early friends of American Independence. They have thought that for this object no time could be more propitious than the present prosperous and peaceful period; that no place could claim preference over this memorable spot; and that no day could be more auspicious to the undertaking than the anniversary of the battle which was here fought. The foundation of that monument we have now laid. With solemnities suited to the occasion, with prayers to

Almighty God for His blessing, and in the midst of this cloud of witnesses, we have begun the work. We trust it will be prosecuted, and that, springing from a broad foundation, rising high in massive solidity and unadorned grandeur, it may remain as long as Heaven permits the works of man to last, a fit emblem both of the events in memory of which it is raised and of the gratitude of those who have reared it.

We know, indeed, that the record of illustrious actions is most safely deposited in the universal remembrance of mankind. We know that if we could cause this structure to ascend, not only till it reached the skies but till it pierced them, its broad surfaces could still contain but part of that which, in an age of knowledge, hath already been spread over the earth, and which history charges itself with making known to all future times. We know that no inscription on entablatures less broad than the earth itself can carry information of the events we commemorate where it has not already gone ; and that no structure which shall not outlive the duration of letters and knowledge among men can prolong the memorial. But our object is, by this edifice, to show our own deep sense of the value and importance of the achievements of our ancestors ; and, by presenting this work of gratitude to the eye, to keep alive similar sentiments, and to foster a regard for the principles

of the Revolution. Human beings are composed, not of reason only, but of imagination also, and sentiment; and that is neither wasted nor misapplied which is appropriated to the purpose of giving right direction to sentiments and opening proper springs of feeling in the heart. Let it not be supposed that our object is to perpetuate national hostility, or even to cherish a mere military spirit. It is higher, purer, nobler. We consecrate our work to the spirit of national independence, and we wish that the light of peace may rest upon it forever. We rear a memorial of our conviction of that unmeasured benefit which has been conferred on our own land, and of the happy influences which have been produced, by the same events, on the general interests of mankind. We come, as Americans, to mark a spot which must forever be dear to us and our posterity. We wish that whosoever, in all coming time, shall turn his eye hither, may behold that the place is not undistinguished where the first great battle of the Revolution was fought. We wish that this structure may proclaim the magnitude and importance of that event to every class and every age. We wish that infancy may learn the purpose of its erection from maternal lips, and that weary and withered age may behold it and be solaced by the recollections which it suggests. We wish that labor may look up here and be proud in the midst

of its toil. We wish that, in those days of disaster which, as they come upon all nations, must be expected to come upon us also, desponding patriotism may turn its eyes hitherward and be assured that the foundations of our national power are still strong. We wish that this column, rising towards heaven among the pointed spires of so many temples dedicated to God, may contribute also to produce in all minds a pious feeling of dependence and gratitude. We wish, finally, that the last object to the sight of him who leaves his native shore, and the first to gladden his who revisits it, may be something which shall remind him of the liberty and glory of his country. Let it rise! let it rise, till it meet the sun in his coming; let the earliest light of the morning gild it, and parting day linger and play on its summit!

We live in a most extraordinary age. Events so various and so important that they might crowd and distinguish centuries are, in our times, compressed within the compass of a single life. When has it happened that history has had so much to record, in the same term of years, as since the 17th of June, 1775? Our own Revolution, which, under other circumstances, might itself have been expected to occasion a war of half a century, has been achieved; twenty-four sovereign and independent States erected; and a general government established over them, so safe, so wise, so free, so

practical, that we might well wonder its establishment should have been accomplished so soon, were it not far the greater wonder that it should have been established at all. Two or three millions of people have been augmented to twelve, the great forests of the West prostrated beneath the arm of successful industry, and the dwellers on the banks of the Ohio and the Mississippi become the fellow-citizens and neighbors of those who cultivate the hills of New England. We have a commerce that leaves no sea unexplored ; navies which take no law from superior force ; revenues adequate to all the exigencies of government, almost without taxation ; and peace with all nations, founded on equal rights and mutual respect.

Europe, within the same period, has been agitated by a mighty revolution which, while it has been felt in the individual condition and happiness of almost every man, has shaken to the centre her political fabric and dashed against one another thrones which had stood tranquil for ages. On this our continent our own example has been followed, and colonies have sprung up to be nations. Unaccustomed sounds of liberty and free government have reached us from beyond the track of the sun; and at this moment the dominion of European power in this continent, from the place where we stand to the south pole, is annihilated forever.

In the meantime, both in Europe and America,

such has been the general progress of knowledge, such the improvement in legislation, in commerce, in the arts, in letters, and, above all, in liberal ideas and the general spirit of the age, that the whole world seems changed.

Yet, notwithstanding that this is but a faint abstract of the things which have happened since the day of the battle of Bunker Hill, we are but fifty years removed from it; and we now stand here to enjoy all the blessings of our own condition and to look abroad on the brightened prospects of the world, while we still have among us some of those who were active agents in the scenes of 1775, and who are now here, from every quarter of New England, to visit once more and under circumstances so affecting,—I had almost said so overwhelming,—this renowned theatre of their courage and patriotism.

Venerable men! you have come down to us from a former generation. Heaven has bounteously lengthened out your lives, that you might behold this joyous day. You are now where you stood fifty years ago, this very hour, with your brothers and your neighbors, shoulder to shoulder, in the strife for your country. Behold, how altered! The same heavens are indeed over your heads; the same ocean rolls at your feet; but all else how changed! You hear now no roar of hostile cannon, you see no mixed

volumes of smoke and flame rising from burning Charlestown. The ground strewed with the dead and the dying ; the impetuous charge ; the steady and successful repulse ; the loud call to repeated assault ; the summoning of all that is manly to repeated resistance ; a thousand bosoms freely and fearlessly bared in an instant to whatever of terror there may be in war and death ; — all these you have witnessed, but you witness them no more. All is peace. The heights of yonder metropolis, its towers and roofs, which you then saw filled with wives and children and countrymen in distress and terror and looking with unutterable emotions for the issue of the combat, have presented you to-day with the sight of its whole happy population come out to welcome and greet you with a universal jubilee. Yonder proud ships, by a felicity of position appropriately lying at the foot of this mount and seeming fondly to cling around it, are not means of annoyance to you, but your country's own means of distinction and defence. All is peace ; and God has granted you this sight of your country's happiness ere you slumber in the grave. He has allowed you to behold and partake the reward of your patriotic toils ; and He has allowed us, your sons and countrymen, to meet you here and in the name of the present generation, in the name of your country, in the name of liberty, to thank you !

But alas! you are not all here! Time and the sword have thinned your ranks. Prescott, Putnam, Stark, Brooks, Read, Pomeroy, Bridge! our eyes seek for you in vain amid this broken band. You are gathered to your fathers, and live only to your country in her grateful remembrance and your own bright example. But let us not too much grieve that you have met the common fate of men. You lived at least long enough to know that your work had been nobly and successfully accomplished. You lived to see your country's independence established and to sheathe your swords from war. On the light of liberty you saw arise the light of peace, like

> "another morn,
> Risen on mid-noon";

and the sky on which you closed your eyes was cloudless.

But ah! Him! the first great martyr in this great cause! Him! the premature victim of his own self-devoting heart! Him! the head of our civil councils and the destined leader of our military bands, whom nothing brought hither but the unquenchable fire of his own spirit! Him! cut off by Providence in the hour of overwhelming anxiety and thick gloom; falling ere he saw the star of his country rise; pouring out his generous blood like water before he knew whether it would

fertilize a land of freedom or of bondage! — how shall I struggle with the emotions that stifle the utterance of thy name? Our poor work may perish, but thine shall endure. This monument may moulder away; the solid ground it rests upon may sink down to a level with the sea; but thy memory shall not fail. Wheresoever among men a heart shall be found that beats to the transports of patriotism and liberty, its aspirations shall be to claim kindred with thy spirit!

But the scene amidst which we stand does not permit us to confine our thoughts or our sympathies to those fearless spirits who hazarded or lost their lives on this consecrated spot. We have the happiness to rejoice here in the presence of a most worthy representation of the survivors of the whole Revolutionary army.

Veterans! you are the remnant of many a well-fought field. You bring with you marks of honor from Trenton and Monmouth, from Yorktown, Camden, Bennington, and Saratoga. Veterans of half a century! when in your youthful days you put everything at hazard in your country's cause, and sanguine as youth is, still your fondest hopes did not stretch onward to an hour like this! At a period to which you could not reasonably have expected to arrive, at a moment of national prosperity such as you could never have foreseen, you are now met here to enjoy the fellowship of old

soldiers and to receive the overflowings of a universal gratitude.

But your agitated countenances and your heaving breasts inform me that even this is not an unmixed joy. I perceive that a tumult of contending feelings rushes upon you. The images of the dead, as well as the persons of the living, present themselves before you. The scene overwhelms you, and I turn from it. May the Father of all mercies smile upon your declining years and bless them! And when you shall here have exchanged your embraces, when you shall once more have pressed the hands which have been so often extended to give succor in adversity or grasped in the exultation of victory, then look abroad upon this lovely land which your young valor defended, and mark the happiness with which it is filled; yea, look abroad upon the whole earth, and see what a name you have contributed to give to your country and what a praise you have added to freedom, and then rejoice in the sympathy and gratitude which beam upon your last days from the improved condition of mankind!

The occasion does not require of me any particular account of the battle of the 17th of June, 1775, nor any detailed narrative of the events which immediately preceded it. These are familiarly known to all. In the progress of the great and

interesting controversy, Massachusetts and the town of Boston had become early and marked objects of the displeasure of the British Parliament. This had been manifested in the Act for altering the government of the province, and in that for shutting up the port of Boston. Nothing sheds more honor on our early history, and nothing better shows how little the feelings and sentiments of the colonies were known or regarded in England, than the impression which these measures everywhere produced in America. It had been anticipated that, while the colonies in general would be terrified by the severity of the punishment inflicted on Massachusetts, the other seaports would be governed by a mere spirit of gain ; and that, as Boston was now cut off from all commerce, the unexpected advantage which this blow on her was calculated to confer on other towns would be greedily enjoyed. How miserably such reasoners deceived themselves ! How little they knew of the depth, and the strength, and the intenseness of that feeling of resistance to illegal acts of power which possessed the whole American people ! Everywhere the unworthy boon was rejected with scorn. The fortunate occasion was seized everywhere to show to the whole world that the colonies were swayed by no local interest, no partial interest, no selfish interest. The temptation to profit by the punishment of Boston was

strongest to our neighbors of Salem. Yet Salem was precisely the place where this miserable offer was spurned in a tone of the most lofty self-respect and the most indignant patriotism. "We are deeply affected," said its inhabitants, "with the sense of our public calamities; but the miseries that are now rapidly hastening on our brethren in the capital of the province greatly excite our commiseration. By shutting up the port of Boston some imagine that the course of trade might be turned hither and to our benefit; but we must be dead to every idea of justice, lost to all feelings of humanity, could we indulge a thought to seize on wealth and raise our fortunes on the ruin of our suffering neighbors." These noble sentiments were not confined to our immediate vicinity. In that day of general affection and brotherhood, the blow given to Boston smote on every patriotic heart from one end of the country to the other. Virginia and the Carolinas, as well as Connecticut and New Hampshire, felt and proclaimed the cause to be their own. The Continental Congress, then holding its first session in Philadelphia, expressed its sympathy for the suffering inhabitants of Boston, and addresses were received from all quarters, assuring them that the cause was a common one and should be met by common efforts and common sacrifices. The Congress of Massachusetts responded to these assurances; and in an address

to the Congress at Philadelphia, bearing the official signature, perhaps among the last, of the immortal Warren, notwithstanding the severity of its suffering and the magnitude of the dangers which threatened it, it was declared that this colony "is ready at all times to spend and to be spent in the cause of America."

But the hour drew nigh which was to put professions to the proof and to determine whether the authors of these mutual pledges were ready to seal them in blood. The tidings of Lexington and Concord had no sooner spread, than it was universally felt that the time was at last come for action. A spirit pervaded all ranks, not transient, not boisterous, but deep, solemn, determined,

> "totamque infusa per artus
> Mens agitat molem, et magno se corpore miscet."

War, on their own soil and at their own doors, was indeed a strange work to the yeomanry of New England; but their consciences were convinced of its necessity, their country called them to it, and they did not withhold themselves from the perilous trial. The ordinary occupations of life were abandoned; the plough was stayed in the unfinished furrow; wives gave up their husbands, and mothers gave up their sons, to the battles of a civil war. Death might come, in honor, on the field; it might come, in disgrace,

on the scaffold. For either and for both they were prepared. The sentiment of Quincy was full in their hearts. "Blandishments," said that distinguished son of genius and patriotism, "will not fascinate us, nor will threats of a halter intimidate us; for, under God, we are determined that wheresoever, whensoever, or howsoever we shall be called to make our exit, we will die free men."

The 17th of June saw the four New England colonies standing here side by side, to triumph or to fall together; and there was with them from that moment to the end of the war, what I hope will remain with them forever, one cause, one country, one heart.

The battle of Bunker Hill was attended with the most important effects beyond its immediate results as a military engagement. It created at once a state of open, public war. There could now be no longer a question of proceeding against individuals as guilty of treason or rebellion. That fearful crisis was past. The appeal lay to the sword, and the only question was whether the spirit and the resources of the people would hold out till the object should be accomplished. Nor were its general consequences confined to our own country. The previous proceedings of the colonies, their appeals, resolutions, and addresses, had made their cause known to Europe. Without boasting, we may say that in no age or country

has the public cause been maintained with more force of argument, more power of illustration, or more of that persuasion which excited feeling and elevated principle can alone bestow, than the Revolutionary state papers exhibit. These papers will forever deserve to be studied, not only for the spirit which they breathe, but for the ability with which they were written.

To this able vindication of their cause, the colonies had now added a practical and severe proof of their own true devotion to it, and given evidence also of the power which they could bring to its support. All now saw that, if America fell, she would not fall without a struggle. Men felt sympathy and regard, as well as surprise, when they beheld these infant States, remote, unknown, unaided, encounter the power of England and, in the first considerable battle, leave more of their enemies dead on the field, in proportion to the number of combatants, than had been recently known to fall in the wars of Europe.

Information of these events, circulating throughout the world, at length reached the ears of one who now hears me. He has not forgotten the emotion which the fame of Bunker Hill and the name of Warren excited in his youthful breast.

Sir, we are assembled to commemorate the establishment of great public principles of liberty and to do honor to the distinguished dead. The

occasion is too severe for eulogy of the living. But, Sir, your interesting relation to this country, the peculiar circumstances which surround you and surround us, call on me to express the happiness which we derive from your presence and aid in this solemn commemoration.

Fortunate, fortunate man! with what measure of devotion will you not thank God for the circumstances of your extraordinary life! You are connected with both hemispheres and with two generations. Heaven saw fit to ordain that the electric spark of liberty should be conducted through you from the New World to the Old; and we, who are now here to perform this duty of patriotism, have all of us long ago received it in charge from our fathers to cherish your name and your virtues. You will account it an instance of your good fortune, Sir, that you crossed the seas to visit us at a time which enables you to be present at this solemnity. You now behold the field, the renown of which reached you in the heart of France and caused a thrill in your ardent bosom. You see the lines of the little redoubt thrown up by the incredible diligence of Prescott; defended to the last extremity by his lion-hearted valor; and within which the corner-stone of our monument has now taken its position. You see where Warren fell, and where Parker, Gardner, McCleary, Moore, and other early patriots, fell with him. Those who

survived that day and whose lives have been prolonged to the present hour are now around you. Some of them you have known in the trying scenes of the war. Behold! they now stretch forth their feeble arms to embrace you. Behold! they raise their trembling voices to invoke the blessing of God on you and yours forever.

Sir, you have assisted us in laying the foundation of this structure. You have heard us rehearse, with our feeble commendation, the names of departed patriots. Monuments and eulogy belong to the dead. We give them this day to Warren and his associates. On other occasions they have been given to your more immediate companions in arms, to Washington, to Greene, to Gates, to Sullivan, and to Lincoln. We have become reluctant to grant these, our highest and last honors, further. We would gladly hold them yet back from the little remnant of that immortal band. "Serus in cœlum redeas." Illustrious as are your merits, yet far, oh very far distant be the day when any inscription shall bear your name or any tongue pronounce its eulogy!

The leading reflection to which this occasion seems to invite us respects the great changes which have happened in the fifty years since the battle of Bunker Hill was fought. And it peculiarly marks the character of the present age that, in looking at these changes and in estimating their

effect on our condition, we are obliged to consider, not what has been done in our country only, but in others also. In these interesting times, while nations are making separate and individual advances in improvement, they make, too, a common progress, like vessels on a common tide, propelled by the gale at different rates according to their several structure and management, but all moved forward by one mighty current, strong enough to bear onward whatever does not sink beneath it.

A chief distinction of the present day is a community of opinions and knowledge amongst men in different nations, existing in a degree heretofore unknown. Knowledge has in our time triumphed, and is triumphing, over distance, over difference of languages, over diversity of habits, over prejudice, and over bigotry. The civilized and Christian world is fast learning the great lesson that difference of nation does not imply necessary hostility, and that all contact need not be war. The whole world is becoming a common field for intellect to act in. Energy of mind, genius, power, whereso-ever it exists, may speak out in any tongue, and the world will hear it. A great chord of sentiment and feeling runs through two continents and vibrates over both. Every breeze wafts intelligence from country to country ; every wave rolls it ; all give it forth, and all in turn receive it. There is a vast commerce of ideas ; there are marts and

exchanges for intellectual discoveries, and a wonderful fellowship of those individual intelligences which make up the mind and opinion of the age. Mind is the great lever of all things; human thought is the process by which human ends are ultimately answered; and the diffusion of knowledge, so astonishing in the last half-century, has rendered innumerable minds, variously gifted by nature, competent to be competitors or fellow-workers in the theatre of intellectual operation.

From these causes important improvements have taken place in the personal condition of individuals. Generally speaking, mankind are not only better fed and better clothed, but they are able also to enjoy more leisure; they possess more refinement and more self-respect. A superior tone of education, manners, and habits prevails. This remark, most true in its application to our own country, is also partly true when applied elsewhere. It is proved by the vastly augmented consumption of those articles of manufacture and of commerce which contribute to the comforts and the decencies of life; an augmentation which has far outrun the progress of population. And while the unexampled and almost incredible use of machinery would seem to supply the place of labor, labor still finds its occupation and its reward; so wisely has Providence adjusted men's wants and desires to their condition and their capacity.

Any adequate survey, however, of the progress made during the last half-century in the polite and the mechanic arts, in machinery and manufactures, in commerce and agriculture, in letters and in science, would require volumes. I must abstain wholly from these subjects, and turn for a moment to the contemplation of what has been done on the great question of politics and government. This is the master topic of the age ; and during the whole fifty years it has intensely occupied the thoughts of men. The nature of civil government, its ends and uses, have been canvassed and investigated ; ancient opinions attacked and defended, new ideas recommended and resisted, by whatever power the mind of man could bring to the controversy. From the closet and the public halls the debate has been transferred to the field ; and the world has been shaken by wars of unexampled magnitude and the greatest variety of fortune. A day of peace has at length succeeded ; and now that the strife has subsided and the smoke cleared away, we may begin to see what has actually been done, permanently changing the state and condition of human society. And, without dwelling on particular circumstances, it is most apparent that, from the before-mentioned causes of augmented knowledge and improved individual condition, a real, substantial, and important change has taken place, and is taking place, highly

favorable on the whole to human liberty and human happiness.

The great wheel of political revolution began to move in America. Here its rotation was guarded, regular, and safe. Transferred to the other continent, from unfortunate but natural causes it received an irregular and violent impulse ; it whirled along with a fearful celerity ; till at length, like the chariot wheels in the races of antiquity, it took fire from the rapidity of its own motion, and blazed onward, spreading conflagration and terror around.

We learn from the result of this experiment how fortunate was our own condition and how admirably the character of our people was calculated for setting the great example of popular governments. The possession of power did not turn the heads of the American people, for they had long been in the habit of exercising a great degree of self-control. Although the paramount authority of the parent State existed over them, yet a large field of legislation had always been open to our colonial assemblies. They were accustomed to representative bodies and the forms of free government ; they understood the doctrine of the division of power among different branches and the necessity of checks on each. The character of our countrymen, moreover, was sober, moral, and religious ; and there was little in the change to shock their feelings of justice and humanity, or even to disturb an

honest prejudice. We had no domestic throne to overturn, no privileged orders to cast down, no violent changes of property to encounter. In the American Revolution, no man sought or wished for more than to defend and enjoy his own. None hoped for plunder or for spoil. Rapacity was unknown to it; the axe was not among the instruments of its accomplishment; and we all know that it could not have lived a single day under a well-founded imputation of possessing a tendency adverse to the Christian religion.

It need not surprise us that, under circumstances less auspicious, political revolutions elsewhere, even when well intended, have terminated differently. It is indeed a great achievement, it is the master work of the world, to establish governments entirely popular on lasting foundations; nor is it easy, indeed, to introduce the popular principle at all into governments to which it has been altogether a stranger. It cannot be doubted, however, that Europe has come out of the contest, in which she has been so long engaged, with greatly superior knowledge, and, in many respects, in a highly improved condition. Whatever benefit has been acquired is likely to be retained, for it consists mainly in the acquisition of more enlightened ideas. And although kingdoms and provinces may be wrested from the hands that hold them in the same manner they were obtained; although ordinary and vulgar

power may, in human affairs, be lost as it has been won ; yet is it the glorious prerogative of the empire of knowledge that what it gains it never loses. On the contrary, it increases by the multiple of its own power ; all its ends become means ; all its attainments, helps to new conquests. Its whole abundant harvest is but so much seed wheat, and nothing has limited, and nothing can limit, the amount of ultimate product.

Under the influence of this rapidly increasing knowledge, the people have begun, in all forms of government, to think and to reason on affairs of state. Regarding government as an institution for the public good, they demand a knowledge of its operations and a participation in its exercise. A call for the representative system, wherever it is not enjoyed and where there is already intelligence enough to estimate its value, is perseveringly made. Where men may speak out, they demand it ; where the bayonet is at their throats, they pray for it.

When Louis the Fourteenth said, "I am the State," he expressed the essence of the doctrine of unlimited power. By the rules of that system, the people are disconnected from the State ; they are its subjects, it is their lord. These ideas, founded in the love of power and long supported by the excess and the abuse of it, are yielding, in our age, to other opinions ; and the civilized world seems at

last to be proceeding to the conviction of that fundamental and manifest truth, that the powers of government are but a trust, and that they cannot be lawfully exercised but for the good of the community. As knowledge is more and more extended, this conviction becomes more and more general. Knowledge, in truth, is the great sun in the firmament. Life and power are scattered with all its beams. The prayer of the Grecian champion, when enveloped in unnatural clouds and darkness, is the appropriate political supplication for the people of every country not yet blessed with free institutions :—

> "Dispel this cloud, the light of heaven restore,
> Give me to see,—and Ajax asks no more."

We may hope that the growing influence of enlightened sentiment will promote permanent peace of the world. Wars to maintain family alliances, to uphold or to cast down dynasties, and to regulate successions to thrones, which have occupied so much room in the history of modern times, if not less likely to happen at all, will be less likely to become general and involve many nations as the great principle shall be more and more established that the interest of the world is peace, and its first great statute that every nation possesses the power of establishing a government for itself. But public opinion has attained also an influence over govern-

ments which do not admit the popular principle into their organization. A necessary respect for the judgment of the world operates, in some measure, as a control over the most unlimited forms of authority. It is owing, perhaps, to this truth that the interesting struggle of the Greeks has been suffered to go on so long without a direct interference, either to wrest that country from its present masters or to execute the system of pacification by force, and, with united strength, lay the neck of Christian and civilized Greek at the foot of the barbarian Turk. Let us thank God that we live in an age when something has influence besides the bayonet, and when the sternest authority does not venture to encounter the scorching power of public reproach. Any attempt of the kind I have mentioned should be met by one universal burst of indignation ; the air of the civilized world ought to be made too warm to be comfortably breathed by any one who would hazard it.

It is, indeed, a touching reflection that while, in the fulness of our country's happiness, we rear this monument to her honor, we look for instruction in our undertaking to a country which is now in fearful contest, not for works of art or memorials of glory, but for her own existence. Let her be assured that she is not forgotten in the world ; that her efforts are applauded, and that constant prayers ascend for her success. And let us cherish a con-

fident hope for her final triumph. If the true spark of religious and civil liberty be kindled, it will burn. Human agency cannot extinguish it. Like the earth's central fire, it may be smothered for a time ; the ocean may overwhelm it ; mountains may press it down ; but its inherent and unconquerable force will heave both the ocean and the land, and, at some time or other, in some place or other, the volcano will break out and flame up to heaven.

Among the great events of the half-century, we must reckon, certainly, the revolution of South America ; and we are not likely to overrate the importance of that revolution, either to the people of the country itself or to the rest of the world. The late Spanish colonies, now independent States, under circumstances less favorable, doubtless, than attended our own Revolution, have yet successfully commenced their national existence. They have accomplished the great object of establishing their independence ; they are known and acknowledged in the world ; and although in regard to their systems of government, their sentiments of religious toleration, and their provisions for public instruction, they may have yet much to learn, it must be admitted that they have risen to the condition of settled and established States more rapidly than could have been reasonably anticipated. They already furnish an exhilarating example of the differences between free governments

and despotic misrule. Their commerce at this moment creates a new activity in all the great marts of the world. They show themselves able, by an exchange of commodities, to bear a useful part in the intercourse of nations.

A new spirit of enterprise and industry begins to prevail; all the great interests of society receive a salutary impulse; and the progress of information not only testifies to an improved condition, but itself constitutes the highest and most essential improvement.

When the battle of Bunker Hill was fought, the existence of South America was scarcely felt in the civilized world. The thirteen little colonies of North America habitually called themselves the "Continent." Borne down by colonial subjugation, monopoly, and bigotry, these vast regions of the south were hardly visible above the horizon. But in our day there has been, as it were, a new creation. The southern hemisphere emerges from the sea. Its lofty mountains begin to lift themselves into the light of heaven; its broad and fertile plains stretch out in beauty to the eye of civilized man, and at the mighty bidding of the voice of political liberty the waters of darkness retire.

And now, let us indulge an honest exultation in the conviction of the benefit which the example

of our country has produced, and is likely to produce, on human freedom and human happiness. Let us endeavor to comprehend in all its magnitude, and to feel in all its importance, the part assigned to us in the great drama of human affairs. We are placed at the head of the system of representative and popular governments. Thus far our example shows that such governments are compatible, not only with respectability and power, but with repose, with peace, with security of personal rights, with good laws, and a just administration.

We are not propagandists. Wherever other systems are preferred, either as being thought better in themselves or as better suited to existing conditions, we leave the preference to be enjoyed. Our history hitherto proves, however, that the popular form is practicable, and that, with wisdom and knowledge, men may govern themselves; and the duty incumbent on us is to preserve the consistency of this cheering example, and take care that nothing may weaken its authority with the world. If, in our case, the representative system ultimately fail, popular government must be pronounced impossible. No combination of circumstances more favorable to the experiment can ever be expected to occur. The last hopes of mankind, therefore, rest with us; and if it should be proclaimed that our example had become an argument

against the experiment, the knell of popular liberty would be sounded throughout the earth.

These are excitements to duty; but they are not suggestions of doubt. Our history and our condition, all that is gone before us and all that surrounds us, authorize the belief that popular governments, though subject to occasional variations in form, perhaps not always for the better, may yet, in their general character, be as durable and permanent as other systems. We know, indeed, that in our country any other is impossible. The principle of free government adheres to the American soil. It is bedded in it, immovable as its mountains.

And let the sacred obligations which have devolved on this generation, and on us, sink deep into our hearts. Those who established our liberty and our government are daily dropping from among us. The great trust now descends to new hands. Let us apply ourselves to that which is presented to us as our appropriate object. We can win no laurels in a war for independence. Earlier and worthier hands have gathered them all. Nor are there places for us by the side of Solon, and Alfred, and other founders of States. Our fathers have filled them. But there remains to us a great duty of defence and preservation; and there is opened to us, also, a noble pursuit, to which the spirit of the times strongly invites us.

Our proper business is improvement. Let our age be the age of improvement. In a day of peace, let us advance the arts of peace and the works of peace. Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered. Let us cultivate a true spirit of union and harmony. In pursuing the great objects which our condition points out to us, let us act under a settled conviction, and an habitual feeling, that these twenty-four States are one country. Let our conceptions be enlarged to the circle of our duties. Let us extend our ideas over the whole of the vast field in which we are called to act. Let our object be our country, our whole country, and nothing but our country. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom, of peace, and of liberty, upon which the world may gaze with admiration forever!

HUGH S. LEGARÉ

Hugh Swinton Legaré was born in Charleston, South Carolina, in 1797. He graduated from the College of South Carolina in 1814, studied law for three years, and then spent some time in foreign travel. In 1820 he was elected to the Legislature, and began the practice of law in 1822. He was not successful, and in 1824 accepted another nomination to the Legislature, remaining in that body until 1830. He was then made Attorney-General, and became noted for eloquence. In 1832 he was appointed chargé d'affaires at Brussels, returning to America in 1836. He was at once elected to Congress, and in the extra session of 1837, called to discuss the financial condition of the country, he added to his reputation as a speaker. He did not succeed in obtaining re-election, however, and returned to the practice of law. In 1841, having in the interim made for himself a great reputation as a brilliant writer, he was appointed Attorney-General, and upon the withdrawal of Webster from the Secretaryship of State, Legaré was appointed in his place. He died suddenly while attending the ceremony of the unveiling of the Bunker Hill Monument at Boston in 1843.

Legaré was an impressive speaker, delighting with his grace of manner and diction while he convinced by his logic. He had the power of rarely wasting a word, each link in the verbal chain appearing to the hearers at once fitting and necessary.

Legaré's life and best speeches are to be found in the memoir written by his sister (Charleston, 1848).

ON SUBMISSION

[Selection.] *Legaré.*

The following speech was delivered before the Union and States Rights party, at Charleston, S. C., on July 4, 1831. The question of the tariff was at that time the most absorbing of all those before the country, and South Carolina was divided in her opinions. Nullification was the issue of the hour, and those who opposed this extreme remedy were branded as submissionists. The speech was an able exposition of the position of this party, and was a plea for peace and harmony, even at the price of yielding to injustice.

SIR, it is not only as a Southern man that I protest against the tariff law. The doctrine of Free Trade is a great fundamental doctrine of civilization. The world must come to it at last, if the visions of improvement in which we love to indulge are ever to be realized. It has been justly remarked that most of the wars which have for the last two centuries desolated Europe and stained the land and sea with blood originated in the lust of colonial empire or commercial monopoly. Great nations cannot be held together under a united government by anything short of despotic power, if any one part of a country is to be arrayed against another in a perpetual scramble for privilege

and protection, under any system of protection. They must fall to pieces; and, if the same blind selfishness and rapacity animate the fragments which had occasioned the disunion of the whole, there will be no end to the strife of conflicting interests. When you add to the calamities of public wars and civil dissensions the crimes created by tyrannical revenue laws and the bloody penalties necessary to enforce them, the injustice done to many branches of industry to promote the success of others, the pauperism, the misery, the discontent, the despair, and the thousand social disorders which such a violation of the laws of nature never fails to engender, you will admit, I think, that the cause of Free Trade is the great cause of human improvement. Sir, I can never sufficiently deplore the infatuation which has brought such a scourge upon this favored land — which has entailed, so to speak, the curse of an original sin upon a new world and upon the continually multiplying millions that are to inhabit it. Most heartily shall I coöperate in any measure, not revolutionary, to do away with the system which has already become a foundation of bitter water to us,— which threatens to become to another generation a source of blood and tears,— and I heartily rejoice at the dawn of hope which has opened upon us in the proposed convention at Philadelphia. Not that I am sanguine as to the

immediate result of such a meeting ; but, if it be filled, as it ought to be, with leading and enlightened men from all parts of the country which think as we do upon this great subject, it will awaken the attention of the people, it will lead to general discussion, it will give scope, if I may so express it, for the operation of those momentous truths on which we rely, and I cannot and will not despair of the Republic, as it came down to us from the most venerable band of sages and heroes that ever laid the foundation of a great empire, until I become satisfied by much better evidence than any I have yet seen that it is in vain to appeal to the good sense and kindly feelings of the American people. Meanwhile, to the measure which is now under consideration, and which, by whatever name it may be called, is, in my opinion, essentially revolutionary, I am, as I ever have been, decidedly opposed. I regarded it, when it was first mentioned in 1828, as an ill-omened and disastrous project, calculated to divide us among ourselves, to alienate from us the minds of our natural allies in such a struggle,—the agricultural States in our neighborhood,—and to involve us in difficulties from which we should not be able to retreat without dishonor, and in which we could not persevere without inevitable and irretrievable ruin. I might have been wrong, but I acted upon deep and solemn conviction, and

I thank God, from the bottom of my heart, for being permitted to indulge in the consoling persuasion that my humble labors on that memorable occasion did contribute in some degree to avert these calamities.

Sir, this is no occasion for going into a detailed analysis of the doctrine of nullification, a doctrine which, as taught in "the Exposition," I undertake to say involves just as many paradoxes and contradictions as there are topics relied on to maintain it; but I cannot refrain from presenting a single view of it, which is of itself entirely conclusive. You will observe, Mr. President, that the difference between us and the advocates of this doctrine is not as to the question how far a State is bound to acquiesce in an unconstitutional act of Congress; or (which is the same thing) how far it has a right "to interpose to arrest the progress" of such legislation. We admit this right in the most unqualified manner; for if the law be unconstitutional it is no law at all. So far there is no difference, and can be no difference, between us. The question is not as to the right, nor even as to the remedy, but as to what shall ensue upon the exercise of the right or the application of the remedy. The advocates of nullification insist upon it that the interference of the States in such a case would be a peaceful act; we say it would be, even upon their own showing, an act of war — a revolutionary

measure — a remedy derived from a source above all law, and an authority which bows to no arbiter but the sword ;—and this is susceptible of as rigorous demonstration as any point within the whole compass of public law.

For the sake of argument, I concede all that the most extravagant writers in our newspapers have ever assumed, and a great deal more than the most able of them can prove : I will grant that the government of the United States is no government at all— that it is not only a compact between independent States, but that it is a compact of no peculiar solemnity or efficacy, conveying no powers not usually granted by international treaties, establishing no intimate relations between the different parts of the country, not subjecting the citizen, in the least, to the jurisdiction of the Federal courts, not binding upon his conscience, not imposing upon him the obligations of allegiance, not making him liable in any case to the penalties of treason. I will put the case as strongly as possible for the advocates of the doctrine. I will suppose that this Constitution of which we have been boasting so much for near half a century is found out to be a league between foreign powers, and that every question that can arise under it is, in the strictest sense of the word, a merely political question. What then, Sir ? Did you ever hear of one party to a league having a right, not to judge for himself

of its meaning,—mark the distinction,—but to bind the other party by his judgment? I admit that there is no common arbiter—that each of the parties is to judge for himself; does that mean that he shall judge for the others too? A compact between States is as binding as a compact between individuals; it creates what is called by text writers "a perfect obligation"; there is no doubt but that a sovereignty is obliged before God and man scrupulously to fulfil the conditions of its agreements. But sovereignties with regard to each other are in a state of nature—they have no common superior to enforce compliance with their covenants; and if any difference arise as to their rights and liabilities under them, what says the law of nature and nations? Why, what can it say, but that each shall do as it pleases—or that force shall decide the controversy? Is there any imaginable alternative between the law and the sword, between the judgment of some regularly constituted umpire, chosen beforehand by the common consent of the contracting parties, and the *ultima ratio regum?* Sir, we have been told that State sovereignty is and ought to be governed by nothing but its own "feelings of honorable justice,"—it comes up, in the declaration of the day, to the description of that irascible, imperious, and reckless hero, whose wrath and the woes it brought upon his country are an admirable

theme for an epic or a tragic song, but would not, I suppose, be recommended as the very highest of all possible examples in morality :

> "Impiger, iracundus, inexorabilis, acer,
> Jura negat sibi nata, nihil non arrogat armis."

Yet, strange to say, the very men who paint to us the sovereignty of the States in such colors, and would cavil about the ninth part of a hair where their own rights and interests are concerned, forget entirely that there are any other parties to the compact but South Carolina, or that those parties have any rights to exercise, or any interests to maintain ! "We have a right to judge for ourselves," say they, "how far we are bound by the Constitution, or how far we shall comply with it." Grant it. But what of the other twenty-three parties ? Are they bound by our decision ? Shall they not think for themselves, because we say that an Act which they have all declared—or the great majority of them—to be within the meaning of the treaty and binding upon us is not so ? If our opinion is just we are not bound. Admit it. But if theirs is just we are bound. Now the whole fallacy of the argument on the other side consists in coolly taking for granted the very matter in dispute—in blotting out this "if"—in denying to others the very right of judging which we claim for ourselves—and in expecting them, exacting it of

them, to act upon our convictions instead of their own.

Sir, it may be that they will do so. Instances upon instances have been laboriously compiled of late, by a writer in one of the leading journals of the country, to show how often the Government has been forced, right or wrong, to yield to the resistance of the States. I shall say nothing of these examples—except that some of them have never been mentioned until recently but with scorn and indignation. But I maintain that not one of them—no, not one—goes to show that the other parties to the compact might not, if they had been so minded, have rightfully insisted upon enforcing their construction of the contract. I will only remark as to Georgia and the Cherokees that, as that State was clearly right in her pretensions from first to last, so she maintained her rights by open force and made no scruple about professing to do so.

Mr. President, the argument which I now advance is too clear for controversy. It addresses itself to the common sense of mankind, and the bare stating of it is sufficient to show how incongruous and absurd the doctrine of the veto is, so far as it rests upon general reasonings and the law of nature — the only law acknowledged by sovereigns. But if any authority be wanted to confirm it, there is abundance of it at hand. Look into the writings of publicists — they are full of it. By

the established law of nations, each party construes a treaty for itself; but then it allows the other to do the same, and, if the difference between them be deemed important enough, that other has the option either of rescinding the whole treaty—in the case before us, putting the State out of the Union —or making war to enforce it. "If one of the allies fails in his engagements," says Vattel "the other may constrain him to fulfil them; this is the right derived from a perfect promise. But, if he has no other way but that of arms to constrain an ally to keep his word, it is sometimes more expedient to disengage himself from his promise and break the treaty. He has undoubtedly a right to do this; having promised only on condition that his ally should accomplish, on his side, everything he is obliged to perform. The ally, offended or injured in what relates to the treaty, may then choose either to oblige the perfidious ally to fulfil his engagements, or declare the treaty broken by the violation of it." This civilian then proceeds to lay down the rule that the violation of one article of the treaty is a violation of the whole. He admits that this ought not to be rashly done, and says that the sovereign deeming himself aggrieved "is permitted to threaten the other to renounce the entire treaty—a menace that may be lawfully put in execution, if it be despised. Such is, doubtless, the conduct which prudence, moderation, the

love of peace and charity would commonly prescribe to nations. Who will deny this, and madly advance that sovereigns are allowed suddenly to have recourse to arms or wholly to break every treaty of alliance for the least subject of complaint? But the case here is about a right, and not about steps that ought to be taken to obtain justice—besides, the principle upon which such a [contrary] decision is founded, is absolutely unsupportable," etc.; and he goes on to demonstrate this more at large. He quotes Grotius to show that the clause is sometimes inserted: "that a violation of some one of the articles shall not break the whole, in order that one of the parties should not get rid of the engagement on account of a small offence."

Now it would be mere cavilling to say that Vattel allows of this appeal to arms only where the party that has recourse to such measures is, in fact, injured: for the question recurs, who is to judge of that? Each party judges for itself at its peril, and war alone can "arbitrate the event"; or, if a peaceful course be preferred, the whole compact is at an end.

Shall I be told, in answer to this reasoning and the concurring opinions of all publicists of respectability, that Mr. Madison and Mr. Jefferson did not think so in '98? Sir, if they taught any other doctrine, I leave it to those who have better understanding than mine to explain what they meant.

But, if it be affirmed that the purport of their resolutions was that, by the inherent attribute of sovereignty, any single party to the Federal Compact may interpose in order to prevent the execution of a law passed by the rest, and that the others may not maintain their construction of the Constitution, either by coercing that single State into acquiescence, or shutting her out of the Union altogether, at their option, then I have no hesitation in declaring it as my opinion that they advance a proposition inconsistent with every principle of public law, without a shadow of foundation in the Constitution of the United States, and utterly repugnant to the common sense of mankind. And what if they did advance such a paradox, so novel, so singular, so incomprehensible? Are the opinions of two men, however respectable and distinguished, —speculative opinions, too, for neither Virginia nor Kentucky made a case by acting upon these notions, —are the adventurous and speculative opinions of two individuals, conceived and put forth in a time of great excitement, to settle the public law of this country, everything in our Constitution, and our books, and our common sense to the contrary notwithstanding? Why, Sir, even under the feudal system—a scheme of organized anarchy, if I may use the expression—the most that an injured feudatory ever claimed was the right to make war upon his lord who denied him justice, without incurring

the penalties of treason. But it was reserved for the nineteenth century to discover that great secret of international law, and to deduce it, too, by abstract reasoning upon the fitness of things—a right of war in one party out of twenty-four, whenever the mood prompts, or doing what amounts to an act of war, accompanied by the duty of implicit acquiescence in all the rest! But the truth is that neither Mr. Jefferson nor Mr. Madison had any such wild and chimerical conceits; as, I think, is perfectly demonstrable from the very text cited to maintain the opposite opinion.

I have had occasion frequently to examine this subject, and I speak with confidence upon it. And assuredly that confidence is not diminished by the emphatic declaration of Mr. Madison himself—by the contemporaneous exposition of the resolutions in the Virginia Assembly—by the disavowal of the doctrine by all the leading members of the Democratic party, with Mr. Livingston at their head—and by the unfeigned surprise which the whole country, Virginia and Kentucky included, expressed upon the first propounding of this extraordinary proposition in 1828. The Virginia resolutions talk of the right to interpose; do they say what is to ensue upon the exercise of that right? No, Sir, they thought that intelligible enough; they were asserting no more than what has been so expressly and pointedly designated as the "right to fight,"

and they meant, if they meant anything, no more than a declaration of opinion, to back their declarations by one hundred thousand militia, as I understand the phrase of the day to have been. This is the plain English of the matter ; and one ground of objection to the "Carolina doctrine," as it has been called (though,I doubt, not very accurately), is that it is not in plain English—that the people may be led, by a fatal deception, to do what they have never seriously contemplated, and what no people ought to do without a solemn self-examination and a deliberate view to consequences.

Sir, we have heard of "nursery tales of raw heads and bloody bones." I am sorry that such an expression escaped the lips of the distinguished person who uttered it, and I lament still more that he gave it to the world in print. I am sure when he comes to reconsider he cannot approve it—unless, indeed, he means to declare that the rest of the States are too cowardly or too feeble even to attempt to enforce their construction of the compact. This may be so; but, for my part, I cannot consent to act upon such a calculation. If we do what we firmly believe it is our duty to do, let us make up our minds to meet all consequences. If there is any feature of the American Revolution more admirable than another, it is that our fathers had fully counted the cost before they took a single step. The leaders of the people

were at great pains to inform them of the perils and privations which they were about to encounter. They put them on their guard against precipitate determinations. They impressed it upon their minds that a period was at hand which called for "patience and heroic martyrdom"; they had not as yet a country to save, or a government worthy to be transmitted to posterity, or how much more anxious would their deliberations have been! The language of a great popular leader at Boston, before the first overt act of resistance, has made a deep impression upon my mind, and deserves to be repeated here. "It is not the spirit that vapors within these walls," said Mr. Quincy, "that must stand us in stead. The exertions of this day will call forth events which will make a very different spirit necessary for our salvation. Look to the end. Whoever supposes that shouts and hosannas will terminate the trials of this day entertains a childish fancy. We must be grossly ignorant of the importance and the value of the prize we are contending for—we must be equally ignorant of the power of those who are contending against us—we must be blind to that malice, inveteracy, and insatiable revenge which actuate our enemies, to hope we shall end this controversy without the sharpest conflicts, to flatter ourselves that popular resolves, popular harangues, popular acclamations, and popular vapor will vanquish our

foes. Let us consider the issue. Let us weigh and consider before we advance to those measures which must bring on the most trying and terrible struggle this country ever saw."

To this complexion it must come at last; and the only question now submitted to the people of South Carolina is, "Are you ready to absolve yourselves from your allegiance to the government of the United States, and to take and maintain your station as a separate commonwealth among the nations of the earth?"

I have confined myself in the discussion of this subject to a single point in one branch of it. I have said nothing about the extent of our grievances, so enormously exaggerated by the "Exposition." Even in regard to the proposed remedy by nullification, I have chosen to take up the question as it is presented by the warmest advocates of that doctrine; and I submit that I have made it plain that, even on their own showing, it is necessarily an act of war—a revolutionary measure. But, in doing so, I have conceded a great deal too much; I have allowed them to treat our elaborate and peculiar polity, which we have been taught to regard as one of the masterpieces of human invention, as if it were the coarsest and loosest of those occasional expedients to preserve peace among foreign powers, leagues, offensive and defensive. If their argument is wholly

inconclusive, and indeed manifestly incongruous and absurd even in this point of view, what shall be said of it when it is thoughtfully and critically examined with reference to a true state of the case? Sir, I have no language to express my astonishment that such a doctrine should have found any countenance from the able and enlightened men who have given in their adhesion to it.

We have been taunted as Submissionists. I am not afraid of a nickname—"'T is the eye of childhood that fears a painted devil." It would be easy—very, very easy—to retort; but I prefer accepting our own denomination and putting my own interpretation upon it. I give you, Sir,

The Submission-men of South Carolina—

"They dare do all that may become a man;
Who dares do more, is none."

JOHN C. CALHOUN

John C. Calhoun was born in South Carolina in 1782. He received only an irregular education, his family being in poor circumstances, but through his determination and industry he succeeded in entering Yale, where he graduated with high honors in 1804. He studied law, and for a time practised in his native State without much success, but in 1811 he was elected to Congress. In 1817 he was made Secretary of War under President Monroe, and in 1824 was elected Vice-President of the United States. He was re-elected to the same office in 1828, and during his occupancy of that office assumed great prominence in the debate on the tariff. When, in 1832, South Carolina adopted a measure to nullify the tariff, Calhoun resigned his office and entered the Senate. Here he remained, advocating the doctrines of nullification and free trade, until 1843, when he declined re-election. He was made Secretary of State under Tyler, but reëntered the Senate in 1844. He was prominent in all the legislation of the time, supporting the cause of the Southern States with force and vehemence, and his last speech, which he was too feeble to deliver and which was therefore read by a colleague, was against the encroachments of the Government upon the rights, as he deemed them, of the section which he represented. He died in 1850.

Calhoun was a logical and forceful rather than a graceful speaker. He was incisive and cogent in argument, and was gifted with rare powers of sarcasm and invective. His intense earnestness compelled attention, and his close and logical reasoning won many adherents to the cause which he represented.

Calhoun's works were published in six volumes in 1854. The best biographies of him are those by Jenkins (1851) and von Holst (1882). See also Benton's *Thirty Years' View.*

ON NULLIFICATION

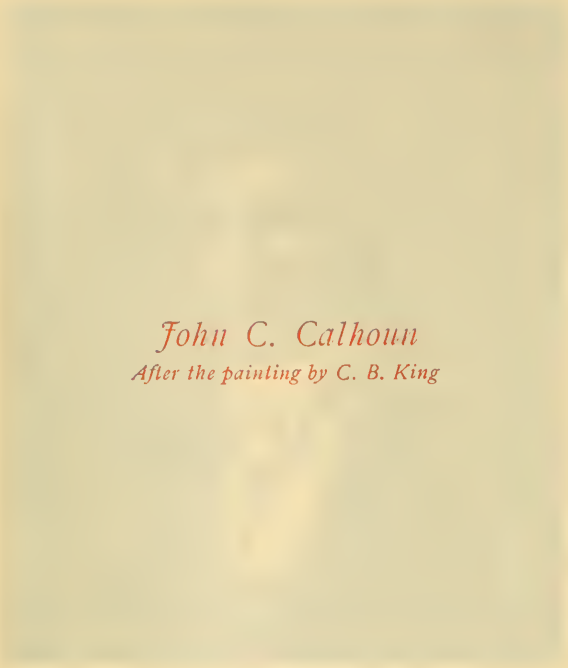
[Selection.] *Calhoun.*

Calhoun's name has always been indissolubly connected with the doctrine of nullification. The final adoption of this measure by South Carolina, and the subsequent passage of the Force Bill,—as the Revenue Enforcement Bill was generally called,—brought him from the Vice-Presidency to the Senate as the champion of the ordinance and of States' rights. His profound thought made him the most dangerous of opponents in debate, and if he was defeated in result he was never compelled to yield by power of logic. The speech of which extracts are given shows his style at its best and broadest.

MR. PRESIDENT: — At the last session of Congress it was avowed on all sides that the public debt, as to all practical purposes, was in fact paid, the small surplus remaining being nearly covered by the money in the Treasury and the bonds for duties which had already accrued; but with the arrival of this event our last hope was doomed to be disappointed. After a long session of many months and the most earnest effort on the part of South Carolina and the other Southern States to obtain relief, all that could be effected was a small reduction in the amount of the duties; but a reduction of such a character that, while it diminished the amount of burden, it distributed

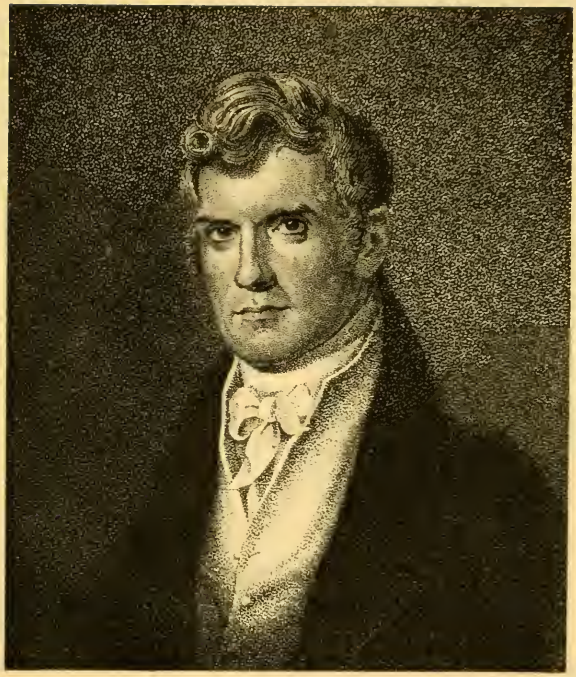
that burden more unequally than even the obnoxious Act of 1828; reversing the principle adopted by the bill of 1816 of laying higher duties on the unprotected than the protected articles, by repealing almost entirely the duties laid upon the former and imposing the burden almost entirely on the latter. It was thus that, instead of relief,—instead of an equal distribution of burdens and benefits of the government, on the payment of the debt, as had been fondly anticipated,—the duties were so arranged as to be, in fact, bounties on one side and taxation on the other; thus placing the two great sections of the country in direct conflict in reference to its fiscal action, and thereby letting in that flood of political corruption which threatened to sweep away our Constitution and our liberty.

This unequal and unjust arrangement was pronounced both by the Administration, through its proper organ, the Secretary of the Treasury, and by the opposition, to be a permanent adjustment; and it was thus that all hope of relief through the action of the general government terminated; and the crisis so long apprehended at length arrived, at which the State was compelled to choose between absolute acquiescence in a ruinous system of oppression or a resort to her reserved powers—powers of which she alone was the rightful judge, and which only, in this momentous juncture, could save her. She determined on the latter.



John C. Calhoun

After the painting by C. B. King



The consent of two thirds of her Legislature was necessary for the call of a convention, which was considered the only legitimate organ through which the people, in their sovereignty, could speak. After an arduous struggle the States-right party succeeded ; more than two thirds of both branches of the Legislature favorable to a convention were elected ; a convention was called ; the ordinance adopted. The convention was succeeded by a meeting of the Legislature, when the laws to carry the ordinance into execution were enacted—all of which have been communicated by the President, have been referred to the Committee on the Judiciary, and this bill is the result of their labor.

Having now corrected some of the prominent misrepresentations as to the nature of this controversy and given a rapid sketch of the movement of the State in reference to it, I will next proceed to notice some objections connected with the ordinance and the proceedings under it.

The first and most prominent of these is directed against what is called the test oath, which an effort has been made to render odious. So far from deserving the denunciation that has been levelled against it, I view this provision of the ordinance as but the natural result of the doctrines entertained by the State and the position which she occupies. The people of Carolina believe that the Union is a union of States, and not of individuals ; that it was

formed by the States, and that the citizens of the several States were bound to it through the acts of their several States ; that each State ratified the Constitution for itself, and that it was only by such ratification of a State that any obligation was imposed upon its citizens. Thus believing, it is the opinion of the people of Carolina that it belongs to the State which has imposed the obligation to declare, in the last resort, the extent of this obligation, as far as her citizens are concerned ; and this upon the plain principles which exist in all analogous cases of compact between sovereign bodies. On this principle the people of the State, acting in their sovereign capacity in convention, precisely as they did in the adoption of their own and the Federal Constitution, have declared by the ordinance that the Acts of Congress which impose duties under the authority to lay imposts were Acts not for revenue, as intended by the Constitution, but for protection, and therefore null and void. The ordinance thus enacted by the people of the State themselves, acting as a sovereign community, is as obligatory on the citizens of the State as any portion of the Constitution. In prescribing, then, the oath to obey the ordinance, no more was done than to prescribe an oath to obey the Constitution. It is, in fact, but a particular oath of allegiance, and in every respect similar to that which is prescribed, under the Constitution of the United States, to be

administered to all the officers of the State and Federal governments; and is no more deserving the harsh and bitter epithets which have been heaped upon it than that or any similar oath. It ought to be borne in mind that, according to the opinion which prevails in Carolina, the right of resistance to the unconstitutional Acts of Congress belongs to the State, and not to her individual citizens; and that, though the latter may, in a mere question of *meum* and *tuum,* resist through the courts an unconstitutional encroachment upon their rights, yet the final stand against usurpation rests not with them, but with the State of which they are members; and such act of resistance by a State binds the conscience and allegiance of the citizen. But there appears to be a general misapprehension as to the extent to which the State has acted under this part of the ordinance. Instead of sweeping every officer by a general proscription of the minority, as has been represented in debate, as far as my knowledge extends not a single individual has been removed. The State has, in fact, acted with the greatest tenderness, all circumstances considered, toward citizens who differed from the majority; and, in that spirit, has directed the oath to be administered only in the case of some official act directed to be performed, in which obedience to the ordinance is involved.

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Notwithstanding all that has been said, I may say that neither the Senator from Delaware, nor any other who has spoken on the same side, has directly and fairly met the great question at issue: Is this a Federal Union—a union of States, as distinct from that of individuals? Is the sovereignty in the several States, or in the American people in the aggregate? The very language which we are compelled to use when speaking of our political institutions affords proof conclusive as to its real character. The terms *union, federal, united,* all imply a combination of sovereignties, a confederation of States. They never apply to an association of individuals. Who ever heard of the United State of New York, of Massachusetts, or of Virginia? Who ever heard the term *federal* or *union* applied to the aggregation of individuals into one community? Nor is the other point less clear, that the sovereignty is in the several States, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the States severally and the United States. In spite of all that has been said, I maintain that sovereignty is in its nature indivisible. It is the supreme power in a State, and we might just as well speak of half a square, or half a triangle, as of half a sovereignty. It is a gross error to confound the exercise of sovereign powers with sovereignty itself, or the

delegation of such powers with the surrender of them. A sovereign may delegate his powers to be exercised by as many agents as he may think proper, under such conditions and with such limitations as he may impose; but to surrender any portion of his sovereignty is to annihilate the whole. The Senator from Delaware calls this metaphysical reasoning, which he says he cannot comprehend. If by metaphysics he means that scholastic refinement which makes distinctions without difference, no one can hold it in more utter contempt than I do; but if, on the contrary, he means the power of analysis and combination, that power which reduces the most complex idea into its elements, which traces causes to their first principle, and by the power of generalization and combination unites the whole in one harmonious system—then, so far from deserving contempt, it is the highest attribute of the human mind. It is the power which raises man above the brute, which distinguishes his faculties from mere sagacity, which he holds in common with inferior animals. It is this power which has raised the astronomer from being a mere gazer at the stars to the high intellectual eminence of a Newton or a Laplace, and astronomy itself from a mere observation of insulated facts into that noble science which displays to our admiration the system of the universe. And shall this high power of the mind, which has effected such

wonders when directed to the laws which control the material world, be forever prohibited, under a senseless cry of "metaphysics," from being applied to the high purposes of political science and legislation? I hold them to be subject to laws as fixed as matter itself, and to be as fit a subject for the application of the highest intellectual power. Denunciation may indeed fall upon the philosophical inquirer into these first principles, as it did upon Galileo and Bacon when they first unfolded the great discoveries which have immortalized their names; but the time will come when truth will prevail in spite of prejudice and denunciation, and when politics and legislation will be considered as much a science as astronomy and chemistry.

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Disguise it as you may, the controversy is one between power and liberty; and I tell the gentlemen who are opposed to me that, as strong as may be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles, where the love of liberty has prevailed against power under every disadvantage, and among them few more striking than that of our own Revolution; where, as strong as was the parent country and feeble as were the colonies, yet, under the impulse of liberty and the blessing of God, they gloriously triumphed in the contest. There are

indeed many striking analogies between that and the present controversy. They both originated substantially in the same cause, with this difference: in the present case, the power of taxation is converted into that of regulating industry; in the other, the power of regulating industry by the regulation of commerce was attempted to be converted into the power of taxation. Were I to trace the analogy further, we should find that the perversion of the taxing power, in the one case, has given precisely the same control to the Northern section over the industry of the Southern section of the Union, which the power to regulate commerce gave to Great Britain over the industry of the colonies in the other; and that the very articles in which the colonies were permitted to have a free trade, and those in which the mother-country had a monopoly, are almost identically the same as those in which the Southern States are permitted to have a free trade by the Act of 1832, and in which the Northern States have, by the same Act, secured a monopoly. The only difference is in the means. In the former, the colonies were permitted to have a free trade with all countries south of Cape Finisterre, a cape in the northern part of Spain; while north of that the trade of the colonies was prohibited, except through the mother-country by means of her commercial regulations. If we compare the products of the

country north and south of Cape Finisterre, we shall find them almost identical with the list of the protected and unprotected articles contained in the list of last year. Nor does the analogy terminate here. The very arguments resorted to at the commencement of the American Revolution, and the measures adopted and the motives assigned to bring on that contest,—to enforce the law,—are almost identically the same.

But to return from this digression to the consideration of the bill. Whatever difference of opinion may exist upon other points, there is one on which I suppose there can be none: that this bill rests upon principles which, if carried out, will ride over State sovereignties, and that it will be idle for any advocates hereafter to talk of State rights. The Senator from Virginia says that he is the advocate of State rights; but he must permit me to tell him that, although he may differ in premises from the other gentlemen with whom he acts on this occasion, yet in supporting this bill he obliterates every vestige of distinction between him and them, saving only that, professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponent of the rights of States. I will also add, what I am compelled to say, that I must consider him as less consistent than our old opponents, whose conclusions were fairly drawn from

their premises, while his premises ought to have led him to opposite conclusions. The gentleman has told us that the new-fangled doctrines, as he chooses to call them, have brought State rights into disrepute. I must tell him in reply that what he calls new-fangled are but the doctrines of '98; and that it is he, and others with him, who, professing those doctrines, have degraded them by explaining away their meaning and efficacy. He has disclaimed, in behalf of Virginia, the authorship of nullification. I will not dispute that point. If Virginia chooses to throw away one of her brightest ornaments, she must not hereafter complain that it has become the property of another. But while I have, as a representative of Carolina, no right to complain of the disavowal of the Senator from Virginia, I must believe that he has done his native State great injustice by declaring on this floor that when she gravely resolved in '98 that "in cases of deliberate and dangerous infractions of the Constitution, the States, as parties to the compact, have the right, and are in duty bound, to interpose to arrest the progress of the evil, and to maintain within their respective limits the authorities, rights, and liberties appertaining to them," she meant no more than to proclaim the right to protest and to remonstrate. To suppose that in putting forth so solemn a declaration, which she

afterward sustained by so able and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the State had been guilty of the most egregious trifling that ever was exhibited on so solemn an occasion.

THOMAS CORWIN

Thomas Corwin was born in Kentucky in 1794, but while he was yet an infant his family removed to Ohio, where his father for many years represented his district in the State Legislature. Young Corwin was occupied on the home farm until he reached the age of twenty, his education thus being limited. In 1818, however, he was admitted to the bar, and soon gained a large practice. He became famous for his eloquence, and was soon admitted to be unrivalled before a jury. In 1822 he became a member of the Ohio Legislature, and in 1830 was chosen to represent his district in the Congress of the country. He remained in Congress until 1840, when he resigned to accept the nomination for Governor of Ohio, to which office he was elected by an overwhelming majority. In 1842 he was defeated for a second term of office, but in 1844 was sent by the Whigs to represent them in the United States Senate, where he remained until 1850, when he accepted the office of Secretary of the Treasury. At the expiration of Fillmore's term, Corwin for a time retired to private life, but in 1858 he was again elected to Congress as a representative, serving until appointed minister to Mexico, where he remained until the arrival of Maximilian. Corwin then returned home and devoted himself to the practice of law in Washington, where he died in 1865.

Corwin was always happy in his choice of words, and his sentences flow easily and yet do not lack power. Strange to say, though he was noted for the kindliness of his nature, he was given to intemperateness of speech, and this interfered with his political advancement. He was a master of quiet sarcasm, and no man was more feared as an adversary.

The most interesting account of Corwin is to be found in *The Life and Speeches of Thomas Corwin,* edited by Isaac Strohn (1859).

AGAINST THE COMPROMISE BILL

[Selection.] *Corwin.*

The following speech was delivered in 1848. It is marked by the uncompromising directness and boldness which were always prominent features of the deliverances of Mr. Corwin. There is throughout a strain of eloquence which renders the speech one to be studied as a model of the description of oratory to which it belongs. Mr. Corwin had always been determined and somewhat intemperate in his denunciations of the Mexican War, and his temper upon the occasion of the discussion of the Compromise Bill was but the natural sequence of his opinion on the former question.

YOU say this land was conquered by the common blood of the country; you trace back the consideration which you have paid for this country to the blood and the bones of the gallant men that you sent there to be sacrificed; and, pointing to the unburied corpses of her sons who have fallen there, the South exclaims: "These—these constitute my title to carry my slaves to that land! It was purchased by the blood of my sons." The aged parent bereft of his children, and the widow with the family that remains, desire to go there to better their fortunes, if it may be, and, pointing to the graves of husband and children, exclaim: "There—there was the price paid for our proportion of this

territory!" Is that true? If that could be made out —if you dare put that upon your record—if you can assert that you hold the country by the strong hand, then you have a right to go there with your slaves. If we of the North have united with you of the South in this expedition of piracy, and robbery, and murder, that oldest law known among men, "honor among thieves," requires us to divide it with you equally. Nay, more, it is only a fitting finale to that infernal tragedy that, after having slaughtered fifty thousand human beings in order to extend your authority over these one hundred and fifty thousand, the murder should be followed by the slavery of every one that can be made subject to the law of power.

Sir, if it be true that you hold this territory by conquest, you hold it precisely by the same right that the Virginian holds his slave to-day, and by no other. You have stolen the man, and with the strong hand torn him from his own home—part of his family you have killed, and the rest you have bound in chains and brought to Virginia! Then, in accordance with the brand which it seems the Almighty has impressed upon poor woman,—*partus sequitur ventrem,*—you condemn to slavery, to the remotest posterity, the offspring of your captive! It is the same right originally in both cases. This right of conquest is the same as that by which a man may hold another in bondage. You may

make it into a law if you please ; you may enact that it may be so ; it may be convenient to do so ; after perpetrating the original sin, it may be better to do so. But the case is not altered ; the source of the right remains unchanged. What is the meaning of the old Roman word *servus?* I profess no great skill in philological learning, but I can very well conceive how somebody, looking into this thing, might understand what was the law in those days. The man's life was saved when his enemy conquered him in battle. He became *servus* —the man preserved by his magnanimous foe ; and perpetual slavery was then thought to be a boon preferable to death. That was the way in which slavery began. Has anybody found on the face of the earth a man fool enough to give himself up to another and beg him to make him his slave? I do not know of one such instance under heaven. Yet it may be so. Still I think that not one man of my complexion of the Caucasian race could be found quite willing to do that!

This right which you are now asserting to this country exists in no other foundation than the law of force, and that was the original law by which one man appropriated the services and will of another to himself. Thus far we have been brought after having fought for this country and conquered it. The solemn appeal is made to us : "Have we not mingled our blood with yours in

acquiring this country?" Sure, my brother! But did we mingle our blood with yours for the purpose of wresting this country by force from this people? That is the question. You did not say so six months ago. You dare not say so now!

You may say that it was purchased, as Louisiana or Florida was, with the common treasure of the country; and then we come to the discussion of another proposition: What right do you acquire to establish slavery there? But I was about to ask of some gentleman—the Senator from South Carolina for instance, whose eye at a glance has comprehended almost the history of the world—what he supposes will be the history of this, our Mexican war, and these our Mexican acquisitions, if we should give it the direction which he desires? I do not speak of the propriety of slave labor being carried anywhere. I will waive that question entirely. What is it of which the Senator from Vermont has told us this morning, and of which we have heard so much during the last three weeks? Every gale that floats across the Atlantic comes freighted with the death groans of a king; every vessel that touches our shores bears with her tidings that the captives of the Old World are at last becoming free, that they are seeking, through blood and slaughter,—blindly and madly, it may be, but nevertheless resolutely,—deliverance from the fetters that have held them in

bondage. Who are they? The whole of Europe. And it is only about a year ago, I believe, that that officer of the Turkish Empire who holds sway in Tunis — one of the old slave markets of the world, whose prisons formerly received those of our people taken upon the high seas and made slaves to their captors—announced to the world that everybody should there be free. And, if I am not mistaken, it will be found that this magic circle which the Senator from South Carolina believes has been drawn around the globe which we inhabit, with the view of separating freedom and slavery, brings this very Tunis into that region in which by the ordinance of God men are to be held in bondage! All over the world the air is vocal with the shouts of men made free. What does it all mean? It means that they have been redeemed from political servitude; and in God's name I ask, if it be a boon to mankind to be free from political servitude, must it not be accepted as a matter of some gratulation that they have been relieved from absolute subjection to the arbitrary power of others? What do we say of them? I am not speaking of the propriety of this thing; it may be all wrong, and these poor fellows in Paris, who have stout hands and willing hearts, anxious to earn their bread, may be very comfortable in fighting for it. It may be all wrong to cut off the head of a king or send him across the Channel. The

problem of free government, as we call it, is not, it seems, yet solved. It may be highly improper and foolish in Austria and Germany to send away Metternich and say, "We will look into this business ourselves." According to the doctrine preached in these halls—in free America—instead of sending shouts of congratulation across the water to these people, we should send to them groans and commiseration for their folly, calling on them to beware how they take this business into their own hands—informing them that universal liberty is a curse; that as one man is born with a right to govern an empire, he and his posterity (as Louis Philippe of Orleans maintained when he announced that his son should sit on the throne when he left it) must continue to exercise that power because in their case it is not exactly *partus sequitur ventrem,* but *partus sequitur pater*—that is all the difference. The crown follows the father—Under your law the chain follows the mother!

It was a law in the colonies about '76 that kings had a right to govern us. George Guelph then said "*Partus sequitur pater*—my son is born to be your ruler." And at the very time when Virginia lifted up her hand and appealed to the God of justice—the common Father of all men—to deliver her from that accursed maxim and its consequences, that one man was born—as Jefferson said—booted and spurred to ride another, it seems that,

by the Senator's account of it, she adhered to another maxim, to wit, that another man should be born to serve Virginia. I think this maxim of kings being born to rule, and others being born only to serve, are both of the same family, and ought to have gone down to the same place; hence, I imagine, they came, long ago, together. I do not think that your *partus sequitur ventrem* had much quarter shown it at Yorktown on a certain day you may remember. I think that when the lion of England crawled in the dust beneath the talons of your eagles, and Cornwallis surrendered to George Washington, that maxim, that a man is born to rule, went down, not to be seen among us again forever; and I think that *partus sequitur ventrem,* in the estimation of all sensible men, disappeared along with it. So the men of that day thought. And we are thus brought to the consideration of the proper interpretation of that language of those men which has been somewhat criticised by the Senator from South Carolina. What did they mean when they said in the Declaration of Independence that all men are born equally free? They had been contending that, if we on this side of the water were to be taxed by the Imperial Parliament of England, we had a right to say who should represent us in that Parliament. I need not refer the Senator from Virginia to his own local history, which informs him that,

throughout the whole Revolutionary period, the people in all the shires and towns were meeting and passing resolutions, as that book of American Archives that you have authorized to be perpetuated will show you, complaining to the Crown of England of the importation of slaves into this country. And why did they complain? Let their own documents tell their own story. The men in that generation, in Virginia, in Connecticut,— as the Senator before me will see by referring to that book in manuscript,— everywhere throughout the colonies, said: "While we are contending for the common rights of humanity against the Crown of England, it does not become us to enslave men and hold them in slavery." They objected to the introduction of slaves into this country through the intervention of the slave-trade, because it was a wrong perpetrated upon the slave himself, and especially because it prevented the settlement of the country by artisans, mechanics, and laboring husbandmen. I venture the assertion that not three counties in the State of Virginia can be named in which resolutions of that character were not passed.

In 1784, not far from this Capitol, where we are now engaged in talking about the transfer of the slave-trade to the shores of the Pacific Ocean, there was a meeting in Fairfax, at which one George Washington, Esq., presided. Some young gen-

tlemen may know something of him. He was a tobacco-planter, Sir, at Mount Vernon. The resolutions passed on that occasion declared the intention of the meeting to refrain from purchasing any slaves and their determination to have nothing to do with the slave-trade — because the introduction of slaves into this country prevented its settlement by free whites. This, then, was the opinion in Virginia at that time; and it was the opinion in Georgia too.

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Thank God, though all should fail, there is an infallible depository of truth, and it lives once a year for three months in a little chamber below us! We can go there. Now I understand my duty here to be to ascertain what constitutional power we have; and, when we have ascertained that, without reference to what the Supreme Court may do,—for they have yet furnished no guide on the subject,—we are to take it for granted that they will concur with us. If the Court does not concur with us, I agree with gentlemen who have been so lost in their encomiums upon that Court that their decision, whether right or wrong, controls no action. But we have not hitherto endeavored to ascertain what the Supreme Court would do. I wish them to ascertain in what mode this wonderful response is to be obtained — not from that Delphic Oracle, but from that infallible divinity,

the Supreme Court. How is it to be done? A gentleman starts from Baltimore, in Maryland, with a dozen black men who have *partus sequitur ventrem* burnt into their skins and souls all over; he takes them to California, three thousand miles off. Now I don't know how it may be in other parts of the world, but I know that in the State of Ohio it is ordained that the law is carried to every man's door. What then is the admirable contrivance in this bill by which we can get at the meaning of the Constitution? We pray for it, we agonize for it, we make a law for it, and that it may be speedily known—for, if not speedily known, it may as well never be known; if slavery goes there and remains there for one year, according to all experience, it is eternally. Let it but plant its roots there, and the next thing you will hear of will be the earnest appeals about the right of property. It will be said: "The Senate did not say we had no right to come here. The House of Representatives, a body of gentlemen elected from all parts of the country on account of their sagacity and legal attainments, did not prohibit us from coming here. I thought I had a right to come here; the Senator from South Carolina said I had a right to come here; the honorable Senator from Georgia said I had a right to come here; his colleagues said it was a right secured to me somewhere high up in the clouds and

not belonging to the world ; the Senator from Mississippi said it was the ordinance of Almighty God : am I not then to enjoy the privileges thus so fully secured to me ? I have property here ; several of my women have borne children, who have *partus sequitur ventrem* born with them ; they are my property." Thus the appeal will be made to their fellow-citizens around them ; and it will be asked whether you are prepared to strike down the property which the settler in those territories has thus acquired. That will be the case unless the negro from Baltimore, when he gets there and sees the Peons there,—slaves not by *partus sequitur ventrem,* but by a much better title, a verdict before a justice of the peace,—should determine to avail himself of the admirable facilities afforded him by this bill for gaining his freedom.

Suppose my friend from New Hampshire, when he goes home, gets up a meeting and collects a fund for the purpose of sending a missionary after these men ; and when the missionary arrives there he proposes to hold a prayer-meeting—he gets up a meeting as they used to do in Yankee times, "for the improvement of gifts." He goes to the negro quarter of this gentleman from Baltimore, and says : "Come, I want brother Cuffee ; it is true he is a son of Ham, but I want to instruct him that he is free." I am very much inclined to think that the missionary would fare very much as one

did in South Carolina at the hands of him of Baltimore. So, you see, the negro is to start all at once into a free Anglo-Saxon in California; the blood of liberty flowing in every vein, and its divine impulses throbbing in his heart. He is to say: "I am free; I am a Californian; I bring the right of *habeas corpus* with me." Well, he is brought up on a writ of *habeas corpus*—before whom? Very likely one of those gentlemen who have been proclaiming that slavery has a right to go on there; for such are the men that Mr. Polk is likely to appoint. He has prejudged the case. On the faith of his opinion the slave has been brought there: what can he do? There is his recorded judgment printed in your Congressional Report; what will he say? "You are a slave. Mr. Calhoun was right. Judge Berrien, of Georgia, a profound lawyer, whom I know well, was right. I know these gentlemen well; their opinion is entitled to the highest authority, and in the face of it, it does not become me to say that you are free. So, boy, go to your master; you belong to the class *partus sequitur ventrem;* you are not quite enough of a Saxon." What then is to be done by this bill? Oh! a writ of error or appeal can come to the Supreme Court of the United States. How? The negro, if he is to be treated like a white taking out an appeal, must give bonds in double the value of the subject-matter in dispute. And what is that? If you

consider it the mercantile value of the negro, it may be perhaps one thousand or two thousand dollars. But he cannot have the appeal according to this bill, unless the value of the thing in controversy amounts to the value of two thousand dollars. But, then, there comes in this ideality of personal liberty : what is it worth ? Nothing at all—says the Senator from South Carolina—to this fellow, who is better without it. And under all this complexity of legal quibbling and litigation, it is expected that the negro will stand there and contend with his master, and, coming on to Washington, will prosecute his appeal two years before the Supreme Court, enjoying the opportunity of visiting his old friends about Baltimore !

END OF VOLUME IX.